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THE

LAWYERS AND LAWMAKERS

...OF...

KENTUCKY

Arranged and Edited Under the Supervision

...OF...

H. LEVIN, of the Illinois Bar

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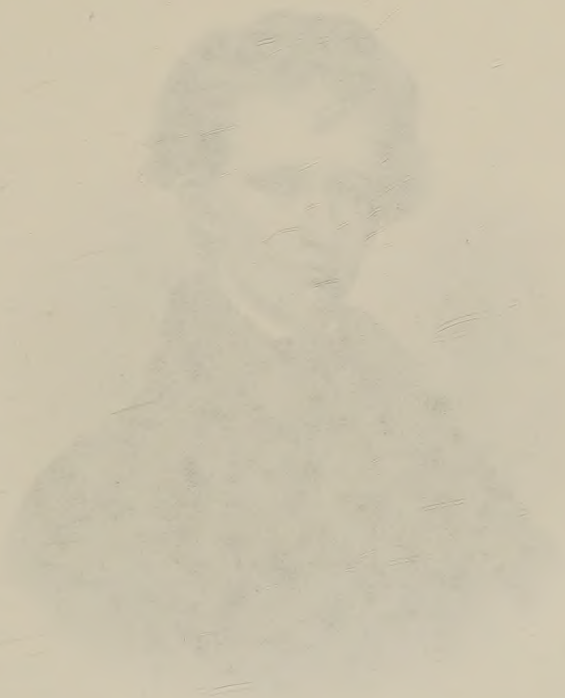

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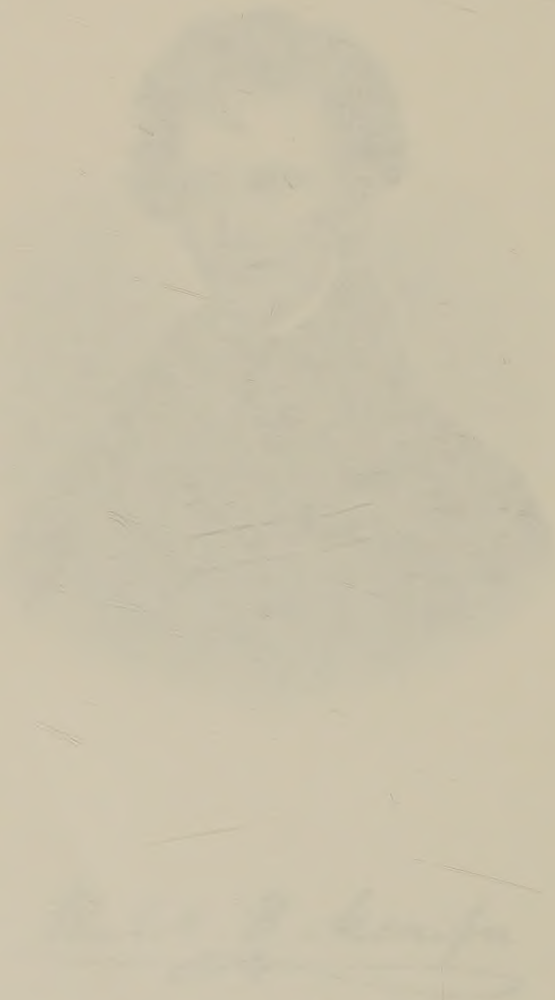


PREFACE.

THE history of the Lawyers and Lawmakers of Kentucky is completed. The record is made up, and in placing it in the hands of the public a few words of explanation, of apology and of extenuation, as well as of acknowledgment for the kindly aid rendered us in its preparation and for the encouragement given us during its progress to completion, are not out of place.

A conscientious effort has been made to fulfill the promises of the prospectus,—"to represent accurately and adequately the legal profession of the state in a history of the courts, and biographically in sketches of the judges and lawyers." There has indeed been an abundance of rich material, and the wisdom of the selections made and the method of treatment adopted is a question to be decided by the public. Some lives, if given *in extenso*, would of themselves fill a volume. There are many such to whom only limited space is given, their importance and great fame having formed the theme of other volumes heretofore issued, so that less will suffice in this. The purposes in view in this publication were to collate and arrange in convenient form historical and biographical matter pertaining to the legal and law-making powers of the state, and to make brief mention of those persons "of high character and respectability in the profession" whose lives were of moment to the commonwealth and who have left the imprint of their genius on the laws and civilization of the age in which they have lived.

It is the first issue of such a compilation, and in compact form brings together much of interest and value that has never before been published, with much that although previously written has been scattered through numerous volumes.

Through a period of one hundred years from the time when Daniel Boone, from the crest of the Cumberland mountains, looked down upon an unbroken wilderness, to the present day when Kentucky has become a vast empire, throbbing with life and activity and the home of nearly two millions of people,—through this period in which the state has borne its part in the stirring events of two foreign wars and one civil war, has seen the change of social conditions, brought by the overthrow of slavery and the establishment of liberty, and has witnessed the introduction of railroads, steamboats, the telegraph, telephone and every invention known to civilization, the lawyers and lawmakers have been an important factor in the continued progress. As in the lives of individuals history is made, so in writing the lives of individuals history is recorded. Those who formulate the laws and enforce them go hand in hand with progress and prosperity.

It must be borne in mind that this volume is in no sense an exhaustive history of either men or events,—that little more than an outline of the life of the individual is attempted, sufficient to single him out from a general class as one entitled to greater distinction than his fellows, pointing briefly to those salient features of his life which set him thus apart, and leaving it to the student of history to find in other works more extended reference. The same is true regarding many historical events, including the Spanish conspiracy—referred to in many biographies,—the old and new court contest, the proceedings of the several constitutional conventions, the history of political parties and of important legislative enactments, as well as of numerous cases mentioned in the personal sketches.

For contributions of articles named in the table of contents, acknowledgment is made to W. N. Beckner, L. P. Little, Thomas Speed, R. C. Richardson, A. E. Richards, W. O. Harris, P. U. Major, L. L. Bristow, James Flanagan, H. F. Turner, Q. Q. Quigley, R. T. Petree, James O'Hara, D. B. Redwine, W. L. Dulaney, W. W. Stephenson, French Tipton, T. P. Hill, C. W. Buck, B. H. Young and W. H. Mackoy.

If the names of all who may be entitled to mention do not appear, censure should not be entirely upon the publishers; for in many cases information has been repeatedly solicited and has not been given; rather credit us with having done so well and recorded so much.

The publishers desire to return sincere thanks to all who, by their generous contributions of portraiture, have enabled them to send this volume forth embellished with souvenirs of good fellowship; for this interchange of portraits cannot but beget a kindly feeling. To all who are so represented this memorial volume must become in future years, to them, to their families and their friends, a monument more enduring than sculptured stone.

We sincerely trust and believe that the book will prove a valuable addition to every library in which it finds a place, and be prized as a worthy record of a highly distinguished and useful profession.

Chicago, May, 1897.

LAWYERS AND LAWMAKERS

OF

KENTUCKY.

KENTUCKY WHILE A PART OF VIRGINIA

AND THE ADMINISTRATION OF THE LAW THEREIN.

BY W. M. BECKNER, WINCHESTER, KY.

THE colonizing achievements of the Anglo-Saxon or Germanic race are distinguishing features of its history. Whence this people came has not been absolutely settled. Tacitus, the earliest writer who mentions them, observed that they were of a restless disposition and hated towns and cities. "They live apart," he says, "each by himself as woodside, plain or fresh spring attracts him."

As soon as the Atlantic region settled by English colonists had become so densely populated as to assume the characteristics of a developed country, its restless elements began to look beyond the great mountain ranges for more room in which to display the conquering and colonizing tendencies of the race. A man named Wood is said to have been in Kentucky as an explorer as early as 1654, and Captain Bolt in 1660, but they left no report of their routes or observations. Dr. Thomas Walker in 1750 discovered Cumberland Gap, and gave the first authentic and intelligent account of the country now known as Kentucky. In 1767 John Finley led a trading expedition that reached as far as the Indian fields in Clark county, where the Shawnees then had a village. His reports of the beauty of the region and the abundance of game reached the ears of Daniel Boone, who in 1769 with several companions penetrated to what is now known as the Blue Grass region. Christopher Gist in 1751, and George Croghan in 1765 had led surveying parties down the Ohio river. It is believed that George Washington visited northeastern Kentucky as a surveyor in 1771.

In 1773 Captain Thomas Bullitt descended the Ohio to its falls for the purpose of making a survey for the noted Dr. Thomas Connolly. From this time forward, two

streams of immigration led the bold, adventurous spirits of Virginia and North Carolina into what was called by the Cherokees Chenoca, or Chenoa, by the Algonquin tribes Kuttawa, and by the Iroquois Kenta-ke. One passed through Cumberland Gap and over the wilderness road which had been opened by Boone, when, at the instance of Henderson, he led a colony to Boonesboro in the spring of 1775. The other took the river route, which furnished easier means of transit, although subject to greater perils from the Indians lurking along the banks. The pioneers found the land they sought without occupants. The other colonies when discovered by the whites had their aboriginal inhabitants and their institutions. But Kentucky was, as the name implies when liberally interpreted, nothing more than a hunting ground; and yet in the remarkable appendix to Marshall's History of Kentucky, written by Professor Rafinesque, it is stated that of five hundred and forty-one ancient seats of population ascertained by the learned author in North America, one hundred and forty-eight were in the territory which its pioneers found an unbroken wilderness. The Indians claimed it, but as there was neither title deed nor occupancy, it was difficult to determine to which if any of the tribes it belonged.

European nations based their claims to the soil of America on the right of discovery. It was a simpler theory than that of conquest, and enabled those relying on it to parcel out what they had not possessed. According to the theory of the British constitution, title to all vacant lands vested in the crown as the trustee of the nation. The Indian right of occupancy had to be disposed of, and this could be done by treaty or by conquest. The whites did not rely on their superiority in arms or the grant from the crown to establish their ownership of the territory now known as Kentucky. The confederated tribes known as the Six Nations, at the treaty of Fort Stanwix in 1768 ceded to the English their rights, as conquerors of all the red men, to so much of this unoccupied region as extended to the Tennessee river.

Richard Henderson acquired by purchase the rights of the Cherokees to the territory lying south of the Kentucky river, but he was not allowed to hold it by the Virginia authorities who granted him two hundred thousand acres on Green river, in return for which he released his claim under the treaty of Watauga.

In 1774 the Shawnees, in a treaty made with Lord Dunmore, for a valuable consideration ceded to Virginia all the territory south of the Ohio. The treaties of Fort McIntosh, Greenville and Tellico cover every possible Indian right. There is not a foot of the soil of Kentucky, therefore, that was not fairly obtained in open treaty with the Indians. All the bloody struggles that took place within its confines between the red man and the white were occasioned by wanton assaults made by trespassers on lands really never owned by them, but which they had sold, and for which they had been paid as if their title had been indisputable. The country was thus open for settlement and had neither individual rights nor civil institutions to be disturbed or displaced.

The first settlers brought with them the common law of England, which had been as much recognized in Virginia as in the mother country. When Richard Henderson attempted to organize the proprietary government of Transylvania he called to his

aid a legislative assembly which met under the great elm tree at Boonesboro on the 23d day of May, 1775. This was the first attempt at lawmaking in Kentucky. Among the delegates were Daniel Boone, Squire Boone, Richard Calloway, James Harrod, John Todd and John Floyd. So far as is known, Todd was the only lawyer in the body and he had given but little attention to his profession. Henderson himself was a licensed attorney, and had been one of the justices of the highest provincial court in North Carolina. The right and title of the "Proprietors of the Colony of Transylvania" was formally recognized, and a series of new laws passed suited to the condition of the infant settlements. His Majesty, the King of Great Britain, is referred to in the headlines to the report of its proceedings in a respectful tone. At the same time, however, a convention in North Carolina was adopting the Mecklenburg Declaration of Independence, and Lord Dunmore was being compelled by the uprising of the Virginia people to transfer the seat of royal authority in the Old Dominion to one of his majesty's ships. The day had passed beyond recall for proprietary government in America. Lord Dunmore issued a proclamation against the Henderson scheme and the settlers themselves became uneasy about their titles.

In the fall of 1775, a petition drawn by Peter Hogg, of Augusta county, Virginia, "a skilled lawyer," as he is styled in an old deposition, was signed by as many as eighty-four persons holding under the Transylvania Company and presented to the Virginia convention, praying its protection and the removal of all doubt as to their holding the lands they were acquiring under circumstances of such hardship and danger. In July, 1776, George Rogers Clark and Gabriel John Jones were selected as delegates to the Virginia convention by an assembly of pioneers that met at Harrod's Station. They were not admitted when they reached Williamsburg, but Clark finally induced Patrick Henry, then governor, and the executive council to recognize the colonies beyond the mountains as a part of Virginia, and to declare the claims of Henderson and his associates invalid. In December, 1776, the county of Kentucky was formed, and it was at once provided with a system of government suited to its conditions and circumstances.

The description of its eastern boundary in the act creating the new county, illustrates either the lack of definite knowledge of the region through which it ran, or the recklessness with which laws were drafted in that early day. The story of the adjustment of this line at a later date and of the confusion it led to would be interesting, but it is too long to be allowed a place here.

Up to this time there had been no need for lawyers in Kentucky. The settlements were little more than fortified camps. Order was maintained in these through the military organization. With the new status, however, came the machinery of organized society. Justices' courts, county courts and courts of quarter sessions were provided for and were all presided over by justices of the peace, who then, as now, were not required to be lawyers. Harrodsburg was the first county seat and here a county court met early in the year 1777. Among its first members were John Todd, Benjamin Logan, Richard Calloway, John Bowman, and John Floyd. These were, as one of the old chroniclers expresses it, among "the most

respectable men in the county for literary information."

The county court met every month, and the court of quarter sessions four times each year. "These courts," says Marshall, "had only a qualified civil and criminal jurisdiction. Nor was there any court competent to try in criminal cases nearer than the seat of government (Williamsburg), but the courts of the county could at their quarter sessions try and punish misdemeanors by fine and imprisonment. At these sessions they had cognizance also of all matters at common law, or in chancery of a civil nature, over twenty-five shillings' value. The rest of the business belonging to the civil administration was left to the ordinary or monthly sessions of the court or to the magistrates individually, who were conservators of the peace, superintended the local concerns of the county and could hold special courts for the examination and trial of persons charged with crimes affecting life or limb, or bail them for further trial, or discharge them altogether, as the case before them seemed to require."

The conditions surrounding the pioneers were such that there was little use for criminal law until a later period. The necessity of standing closely together in the presence of an always impending danger, the thorough knowledge that each man had of his neighbors, the lack of property such as is usually the subject of larceny or robbery, and the upright character of the early settlers, made the perpetration of felony quite rare indeed. Assault and battery was the most frequent misdemeanor, because differences were usually settled by "wager of battel" in a "fist-and-skull" encounter.

The first jail in Kentucky was not built until 1783, when one was erected at Danville. There was no penitentiary until 1800. Wherever punishment more severe than a fine or the stocks or whipping-post was considered necessary, the pioneers administered it without the expense or delay incident to legal proceedings. Robert McAfee in his autobiography tells how he and his two brothers resolved themselves into a court and tried a thief who had robbed them. He was "a diminutive red-headed white man," a run-away convict servant from the tide-water region of Virginia. They decided that "according to their opinion of the laws, he had forfeited his life and ought to be hung;" but, hesitating to become executioners themselves, they returned him to his master. Sometimes a man would be taken prisoner by the Indians, and his wife, supposing him dead, would marry again. Escaping, he would return to find his place in the cabin occupied by another. Usually the wife was allowed to decide with whom she would live, and the rejected husband was required by the neighbors to leave the settlement to avoid any occasion for strife.

There was very little litigation at first, because commercial transactions were few, and the courts did not have jurisdiction to settle disputes as to titles to real estate. The laws of Virginia relating to "lands on the western waters" were to a great extent original and peculiar in their nature. An act passed in 1777 declared against quit-rents throughout the colony in order "that lands may not be granted on feudal tenures and to prevent the danger to a free state from perpetual revenue."

The greatest defect in the legislation of that period was the failure to have the new territory "sectionized" or divided into rectangular areas, as was afterwards done in the northwest. This might not have led to

as rapid an increase of population as resulted from the system adopted of surveys on private account, but it would certainly have saved a vast deal of litigation and confusion not yet ended.

Speculators and investors came from the east and from abroad, and entered vast tracts of land, which were not always laid off with any regard for shape, and were often covered with several conflicting claims.

A suit tried in the United States circuit court at Covington in 1894, showed how these great "blanket surveys," as they were called, were sometimes manipulated, and what frauds have been perpetrated or attempted in their name. Samuel Young, a merchant of Philadelphia, in 1781 bought Virginia treasury warrants and had them located on the waters of Kentucky river. They are known in the litigation and titles of that region as "The Samuel Young 30,983⅓ Acre Survey" and "The Samuel Young 20,000 Acre Survey." A few years ago one John Loree sued in the United States court to recover the land embraced in "The 30,983⅓ Acre Survey," claiming as the vendee of one W.W. Gitt, who asserted ownership by virtue of a deed purporting to have been executed by Samuel Young in 1845. One of the counsel engaged in the defense was speaking of the case in a social circle at Louisville, when Colonel J. Stoddard Johnston said that he had had a classmate at Yale whom he had often heard speak of an ancestor as an owner of large bodies of land in eastern Kentucky. He undertook to look him up and found that he was alive and a resident of Yazoo, Mississippi. His name was R. S. Young, and he had papers that showed that his great-grandfather was the same merchant of Philadelphia who had had these surveys made. Samuel Young had died in 1815, and of course the Gitt deed was a forgery. It was also discovered that in fact the patent to this large body of land had been issued to one John Harvie, and that he had sold and conveyed to an English speculator named Charles Vancouver, whose deed was found recorded in Bourbon county.

In 1779 the general assembly of Virginia passed a bill which recognized certain "surveys of waste and unappropriated lands made upon any of the western waters before the first day of January, 1778, by any county surveyor commissioned by the masters of William and Mary College," as well as other claims based on actual settlement, charter or importation or treasury rights, or orders of council, or warrants of the governor or for military service. This act further provided for a sale of "waste and unappropriated lands" within the territory of the commonwealth of Virginia in order "to encourage the migration of foreigners, to promote population, to increase the annual revenue and to create a fund for discharging the public debt." It allotted the counties on "the western waters" into districts, to wit: The counties of Monongolia, Yohogania and Ohio into one district; the counties of Augusta, Botetourt and Greenbrier into one district; the counties of Washington and Montgomery into one district, and the county of Kentucky into another district, and directed the governor, with the advice of the council, for each of these districts to appoint four commissioners, to whom was given power to hear and determine all claims to any lands within their respective jurisdictions. This bill also created a land office and declared the terms on which any person could acquire lands in the western regions of the commonwealth. The act with its amend-

ments made a system not only for settling disputes, but also for disposing of the vacant territory, out of which has since grown so many rich and populous states.

The commission for Kentucky consisted of William Fleming, Edmund Lyne, James Barbour and Stephen Trigg, who met at St. Asaph's (now Stanford) on October 13, 1779, and proceeded at this place and at other points in Kentucky to hear and determine all questions presented to them. The commission was finally dissolved on April 26, 1780, after having passed on over three thousand claims of various kinds. Its judgments were final, and its jurisdiction exclusive during the time it sat. Much of its value in settling disputes was lessened by the vague and uncertain terms in which its certificates and decrees were expressed. Had the commissioners been lawyers, or had the attorneys who represented claimants before them been thoroughly trained in their profession, this trouble would have been avoided. That lawyers did appear in the commission court is not a matter of mere supposition. For instance, in Consilla v. Briscoe, Hughes, 84, a certificate from the commission is set out in full, from which it appears that Silas Harlan (afterward killed at the Blue Licks) was attorney for Harman Consilla. He was not attorney in fact, because in the same opinion it appears that James Harrod held this relation to Consilla with reference to the same land.

In the introduction or preface to 1 Bibb there is a most interesting sketch of the earlier laws relating to the acquisition of lands in Kentucky. The same subject is discussed at length in a speech made by the writer of this article April 1, 1891, in the late constitutional convention, and to be found on page 5287 of the Debates. Our court of appeals showed great ability in evolving, from the confused and vague statutes enacted by Virginia, a system wonderful for the certainty and equity with which it was generally characterized. The first burgesses elected to represent Kentucky, who were admitted as members of the Virginia legislature, were John Todd and Richard Calloway. The former was educated in Virginia, where he also studied law, and became one of the deputies of William Preston, surveyor of Fincastle county. He was with George Rogers Clark in the thrilling campaign that secured the northwest to the United States; served some time as governor and county lieutenant of Illinois, and was killed at the battle of the Blue Licks. He was perhaps the best educated and most accomplished of all the early pioneers of Kentucky.

Richard Calloway was a man of force and ability, and served in many capacities that showed the confidence reposed in him by those who knew the importance of electing the best material as leaders. His descendants living in Clark county still have the silver knee buckles that he wore when a delegate at Richmond. He commanded the fort at Boonesboro, whilst Daniel Boone was a prisoner after his capture at Blue Licks. He was finally killed by the Indians on his farm in Madison county. The county or "district of Kentucky" was divided into the three counties of Fayette, Jefferson and Lincoln, and the name of Kentucky ceased for a while to be known to the law. Early in 1783, however, the "district of Kentucky" was created with a district court whose first session was held at Harrodsburg; but, as there was then no house there sufficient for its accommodation, it immediately

adjourned to the meeting house near the "Dutch Station," six miles distant from its place of meeting, and in the same year removed to Danville. The judges first appointed were Samuel McDowell, John Floyd and George Muter, but the last named did not take his seat until 1785. It is not known that either of these judges had been trained as lawyers. McDowell was of that Scotch-Irish race which has furnished so many leaders to the west and south. He was a soldier in the French and Indian wars, was at Braddock's defeat, and at Point Pleasant, and had been a colonel in the Revolutionary army. He was a member of the first Virginia convention, and later sat in the executive council. He came to Kentucky as a surveyor after the war for independence was over, and is described in the "Genesis of a Pioneer Commonwealth," as "the central figure of an historic group, conspicuous like himself for courage, intelligence, fortitude, dignity of character, and mental poise. All were representative men,—types of a cultivated class, and of a vigorous, aggressive and enduring race."

John Floyd first came to Kentucky in 1774 as an assistant surveyor of Fincastle county and laid off lands for George Washington and others at different points as they went down the Ohio to the Falls and thence home by way of the Kentucky river and Cumberland Gap. He was a justice of the peace, and colonel of militia in Jefferson county whilst acting as a judge of the district court. His early death at the hands of the Indians prevented his reaching greater eminence in pioneer history, that he would undoubtedly have attained. He belonged on his father's side to the same great race from which McDowell sprang, and through his mother was descended from a brother of Powhatan, the Indian chief. Colonel Floyd is referred to by George Rogers Clark as "a soldier, a gentleman and a scholar."

George Muter played a considerable part in the early political as well as judicial history of Kentucky. He had been commander of a ship of war during the Revolution and came to Kentucky with the military title of colonel. He was a member of all the conventions which from 1785 to 1789 were held at Danville for the purpose of erecting Kentucky into a commonwealth. In 1785 he and Harry Innes were sent as delegates to urge the legislature of Virginia to accord to Kentucky the rights of an independent colony. He was a member of the convention that framed the first constitution of the state, and served as one of the electors to choose a governor and the first state senators. He was a leader with Colonel Thomas Marshall (father of Chief Justice John J. Marshall of the United State supreme court) of what was known as the Country party, which so vigorously opposed every movement looking toward action on the part of Kentucky based on the hope of securing the right to navigate the Mississippi at the expense of thorough loyalty to Virginia and the federal Union. When the state was admitted he was appointed a judge of the court of appeals in place of Judge Harry Innes, who preferred to become judge of the United States district court.

In 1795, the legislature attempted to address out of office Judges George Muter and Benjamin Sebastian, but the resolutions, although they received a majority vote in both houses, failed from the want of the constitutional two-thirds. This movement grew out of the action of the court of appeals in the case of Kenton v. McConnell, reported in Hughes, 257, in which it was at

first decided that the judgments of the commissioners who sat under the Virginia land law of 1779, to determine titles to lands in Kentucky, were not final and conclusive. It was charged that this opinion was due to the undue influence of George Nicholas with the court. At a subsequent term Judge Muter changed his mind and joined with Judge Wallace in deciding for Simon Kenton. In 1803 a resolution, suggesting that by reason of age and infirmity Judge Muter was no longer able to discharge the duties of his position, was introduced in the house of representatives, whereupon he resigned. A bill granting him an annuity of three hundred dollars was passed, which, in its preamble, recited as a reason for its passage that "he had not accumulated a decent support in the course of a life spent in the service of his country, in both a military and civil capacity." This act was repealed at the next session, having been denounced throughout the state as an attempt to establish a precedent for a system of civil pensions.

Judge Thomas Todd, who afterward became a justice of the supreme court of the United States, gave Judge Muter a home and provided for his comfort during the remainder of his life.

Walker Daniel was the first attorney general of the new district. About this time there was an agitation of a question which created no little uneasiness in Kentucky. Tom Paine had written a pamphlet in which he denied the title of Virginia to the western lands claimed by her and insisted that with the achievement of American independence the ownership of all vacant and unoccupied territory devolved upon the United States to the exclusion of state claims. George Pomeroy in Jefferson and a man named Galloway in Fayette were active in urging this theory, which made them popular with the landless and with those who wished to speculate in lands. Walker Daniel had them both indicted as "spreaders of false news" under an old Virginia statute. They were each fined two thousand pounds of tobacco and required to give bonds to keep the peace. This put an immediate end to the agitation.

There is not space here for a review of the eight conventions held prior to the formation of the state. They cover a most interesting period in our history, pre-eminent for restless intrigue and for bitter political controversies that related to questions ranging from a dissolution of the Union to the simplest details of local government. The leading pioneers were sent to these conventions, and among them were characters that would have become conspicuous and renowned on broader fields of statesmanship. Few of them were lawyers, but all as lawmakers would be entitled to mention here if space permitted. The Spanish intrigues smirched the reputation of some of them. It was natural that the people of Kentucky should be anxious about the navigation of the Mississippi, because this was the only channel through which their surplus products could reach the markets of the world before railroads or canals even had been thought of. No considerable body ever for a moment dreamed of becoming subjects of Spain, but there was undoubtedly much "dickering" with the representatives of his Catholic Majesty to secure free use of the highway furnished by the Father of Waters.

Judge Sebastian, of the court of appeals, confessed in 1806 that he had for years been a pensioner of Spain.

John Brown, the only representative that Kentucky had in congress before her admission as a state, Judge Harry Innes, who filled the high positions of member of the military board, elector and judge of the United States district court, and other prominent men of that period were suspected of complicity in these treasonable schemes, but later generations are disposed to believe that they were the victims of political rancor. Our fathers were about as we are. They were partisans of the bitterest type and did not hestitate to charge their opponents with whatever would make them the most odious in the eyes of those who did the voting.

Boone, the typical hunter and pioneer, and who is more widely known than any of the early actors in Kentucky history, was not only a member of the legislative body that met at Boonesboro in response to the call of the proprietors of Transylvania, but was also sent as a burgess to the general assembly of Virginia.

The three greatest characters among our early lawmakers, when results and intellectual endowments are considered, were George Rogers Clark, George Nicholas and James Wilkinson. Clark has been called the Hannibal of the West. His work at Williamsburg in securing money and supplies for his western campaign at a time when Virginia was so sorely pressed by the exigencies of the Revolutionary contest, and his success in having Kentucky granted county autonomy, showed his power in peace. His conquest of Illinois was one of the most remarkable military achievements in history, when the odds and difficulties that he overcame and the results accomplished are taken into consideration. Roosevelt in his Winning of the West, says:

"Clark, Sevier, Robertson and Boone are emphatically American worthies. They were men of might in their day, born to sway the minds of others, helpful in shaping the destiny of the continent. Yet of Clark alone can it be said that he did a particular piece of work which without him would have remained undone."

The same writer further observes: "If Clark had failed in his efforts to conquer and hold the Illinois and Vincennes, it is overwhelmingly probable that the Ohio would have been the boundary between the Americans and the British."

George Nicholas had been a soldier in the Revolutionary army and had played a leading part in the legislative history of Virginia before coming to Kentucky. Madison, only, had done more to secure the acceptance of the federal constitution by the convention of his native state. He was a cultivated, accomplished man and was regarded as the ablest and most learned member of the Kentucky bar after he became identified with it. He was the leading spirit of the convention that framed the first constitution of the state. One of its provisions was that it gave exclusive jurisdiction in land suits to the court of appeals, which sat at Frankfort. He was accused of having a selfish motive in this, inasmuch as it brought employment to him as a lawyer resident at the capital. He insisted, however, that his only object was to minimize local influence in the trial of such causes; and this was no doubt true.

Hughes, in the preface to the first volume of the Kentucky Reports, which was edited by him, gives credit to the notes preserved by Colonel George Nicholas for much of the interesting matter embraced in his book. He contributed no little toward de-

veloping that system of land law which our court of appeals constructed out of the vague and disjointed statutes under which the pioneers acquired their titles in Kentucky. There was no precedent to guide, and in fact there was an early statute which provided that "reports and books containing adjudged cases in the Kingdom of Great Britain, which decisions have taken place since July 4, 1776, shall not be read nor considered as authority in any of the courts of this commonwealth, any usage or custom to the contrary notwithstanding."

James Wilkinson began life as a physician, entered the army when the Revolutionary struggle began, fought in all its leading engagements with distinguished gallantry and after its close located in Kentucky, where his talents, affability, wealth and personal courage gave him great prominence and power. He led in every movement looking toward opening the Mississippi to commerce, and made a large fortune through a concession allowing him to ship produce to New Orleans, which, it was by many believed, he obtained by promises to use his influence to secure the withdrawal of Kentucky from Virginia and the acceptance by her people of the domination of Spain. In the face of such charges, however, he was made brigadier general in the regular army of the United States and entrusted with most important commands. He was tried once by the house of representatives, at Washington, and once by court martial, on serious accusations, but was acquitted in both instances after having ably argued his own case.

Shaler, in his History of Kentucky, says of Wilkinson: "Whatever his error of judgment in the Spanish negotiations may have been, though it was probably grave, it was atoned for by long and devoted services in the midst of a constant hostility from his superiors. There is no more enigmatical or more pathetic figure in American history."

Among the eminent lawyers of this early period besides those heretofore mentioned in this article were Humphrey Marshall, Stephen Ormsby, Christopher Greenup, Thomas Perkins, James Hughes, William McClung, John Buckner Thruston, Francis Taylor, John Rice Jones, Thomas Hall, Alex. Scott Bullitt and Peter Martin. The last named was whipped by a man named George Grutin in Louisville for bringing him into court as defendant in an action in which Peter Fearnothing v. George Feareverything was substituted for the fictitious style of John Doe v. Richard Roe, then in common use.

The records show that in 1781 one Charles Cleveland sued General George Rogers Clark in trover because the latter, in leaving on one of his expeditions to the north of the Ohio river, had added to his medical stores by seizing a keg of whisky belonging to the plaintiff. The General was required to give a bond, but declined to do so, and, as he had the military at his back, nothing further was done.

One of the most interesting and unique characters that figured in the legislative and legal history of Kentucky during the period that preceded the admission of the state into the Union was Humphrey Marshall. He was the nephew and son-in-law of Colonel Thomas Marshall, and had been a soldier in the Continental army before coming west. He was for a while deputy surveyor under his uncle, but got license and was for many years a successful lawyer. It was his boast that he could ride on his own land from Frankfort to Versailles, and that he had so much silver money he did not

have time to count it. He was one of the three members of the Virginia convention from Kentucky who voted for the ratification of the federal constitution, and was in the convention that framed the first organic law of Kentucky. He picked a flaw in an entry of what is now the site of Frankfort, and became its owner by a survey and grant which stood the tests of the courts.

He served six years in the United States senate and was several times a member of the general assembly of the state. On one occasion he and Henry Clay, who were bitter enemies, engaged in a fight on the floor of the house at Frankfort, which was stopped by a gigantic member of German birth named General Riffe, who seizing both combatants and holding them at arm's length commanded the peace by saying: "Poys, you must pehave yourselves or I'll spank you both!"

Marshall, whilst in the United States senate, voted for Jay's treaty, which was exceedingly unpopular in Kentucky. After his return from Washington a mob of the disorderly elements of Frankfort, where he resided, undertook to duck him in the Kentucky river. They had him at the water's edge and were about to put him under, when he suggested that it was customary always to allow the candidate for baptism to relate his experience; and he claimed the privilege. The humor of the request struck the crowd, and they gave the senator a hearing. His address was so powerful that one by one his persecutors slipped away and allowed him to return to his home in peace! As his History of Kentucky shows, he was an intense partisan, but able, honest and courageous.

Those early days afforded rich opportunities for the display of ability and leadership both at the bar and in the forum, as well as in the military service. The masses of the people were poor and illiterate. They were too much engaged with the tasks of felling the forests, clearing the lands and raising the necessaries of life, on which their existence depended, to give much study to political questions. There were few newspapers, and books were even scarcer. At first men of action, like Boone and Logan, were the leaders. Then came men like Clark and Todd, who both thought and fought. These were followed by statesmen and lawyers such as Nicholas, McDowell and Innes, who framed the laws and guided in molding the institutions.

The members of the Kentucky bar at that early period do not seem to have come into disrepute as did their contemporaries of the eastern states, where the close of the war brought so much litigation as to overwhelm the lawyers with cases. McMaster says that "such prosperity soon marked them out as fit subjects for the discontented to vent their anger on. They were denounced as banditti, as blood-suckers, as pickpockets, as wind-bags, as smooth-tongued rogues." Even the governor of Vermont, in an address to the people issued in 1786, joined in the demagoguing hue and cry against the lawyers. "Law cases had become so numerous," he said, "that there was not money enough in the state to pay for entering them, to say nothing of the fees of the officers and attorneys. * * * Most of the time of the court was taken up in hearing what the lawyers call 'shunage,'—an attempt to put off execution." As a remedy for this, one cried "A tender act," another "A bank of money," a third "Kill the lawyers." From abusing the lawyers it

was an easy step to a denunciation of the courts, which culminated in Shay's rebellion.

The earlier lawyers of Kentucky were not held in such odium as this, but their exemption was due to the fact that their private and professional characters were modeled after those members of the bar in Virginia under whom they had as a general rule "studied" their profession.

Thomas Nelson Page has happily expressed the status of the profession both in the Old Dominion and in her first-born offspring, when in describing the characters of the lawyers of that day he says: "'The profession of the law was to him the highest of all professions. It was brotherhood; it was sacred; it maintained the rights of man, preserved the government, and controlled the administration of the law. * * * Special terms of reprobation were adopted, such as 'shyster,' 'pettifogger,' the full significance of which was known only to the profession. The extreme penalty was disbarring. It was deemed as great a disgrace as any other criminal sentence. * * * These things maintained an exalted standard in the profession. They created a sustaining atmosphere. Wherever the old lawyer went he felt it sensibly. He could not be a lawyer and not be a better and a stronger man. He practiced on this basis and as a result he elevated his profession and made it better than he found it."

Our earliest lawyers and lawmakers, as well as judges, were also farmers. There was at that time no commerce and but little manufacturing. At first game, and then hogs, sheep and cattle raised on the farm furnished the meat; grain from fields at home was turned into flour or meal at the neighboring mill or into hominy by the pestle; wool and flax became clothing through the skill and industry of the housewife; the trees furnished sugar, the licks salt, and in fact beyond the farm there was slight occasion for any other calling. The result was to magnify the importance of land and to elevate and dignify the man by whom it was owned and cultivated. In fact it was held so sacred that it was not until some time after the state was admitted that it was made subject to execution.

This sketch was not intended to be a review of all the proceedings of the several conventions called and held in Kentucky to deal with the question of statehood, or to give a detail of the laws passed by the general assembly of Virginia whilst Kentucky was an integral part of its territory. Its limits would forbid what would occupy so much space. Nor has it been possible to find room in it for sketches of many interesting characters, who in our pioneer days were lawyers or engaged in making laws. The writer would have been glad to present more fully the interesting questions of that early period; the land laws, the Spanish, French and British intrigues, the struggle to secure status as a state, the attempts to establish a currency without intrinsic value, the development of towns and cities, the Indian wars, the efforts to secure free navigation of the Mississippi, the personal ambitions and the political preferments of that primitive era so full of excitement, human passion and narrow partisanship, and yet withal so illuminated by heroic deeds, intellectual activity and exalted patriotism. He trusts that this brief sketch will stimulate his professional brethren to take a deeper interest in the period of which it treats, and that it may lead to a more thorough study of the careers of those lawyers who con-

tributed so much to the upbuilding of the noble commonwealth whose free institutions we now enjoy. They did not have advantages that we possess, but they were equal to all the demands of their day, and achieved results commensurate with the highest culture and most thorough legal training. They were worthy of the great calling so useful to man, but which leaves so few memorials of its triumphs and such limited materials from which to write the careers of those by whom it is pursued.

LEGISLATION CONCERNING KENTUCKY.

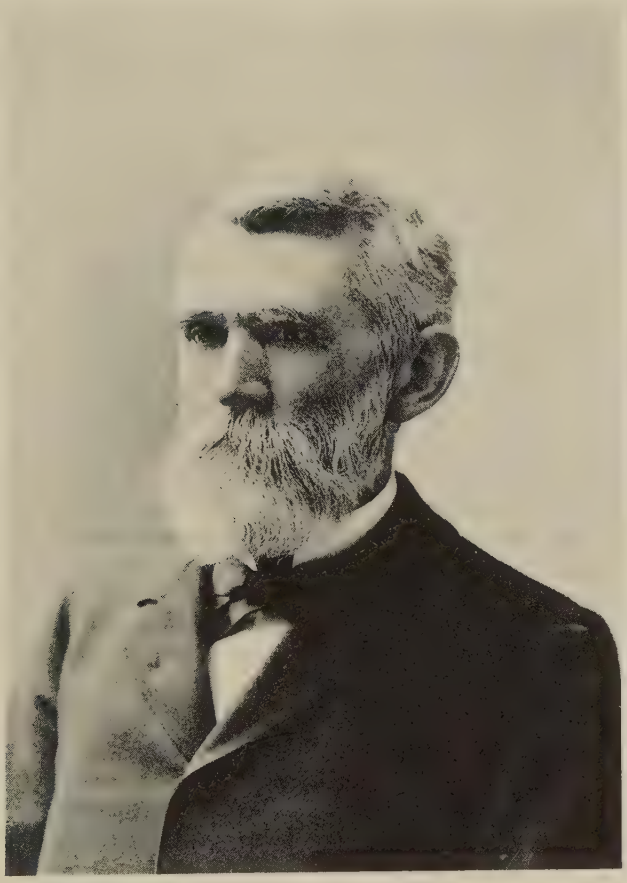
HISTORY OF IMPORTANT MEASURES OF THE STATE OF VIRGINIA AND OF THE UNITED STATES PERTAINING TO KENTUCKY, AND OF KENTUCKY SINCE ITS STATEHOOD.

BY LUCIUS P. LITTLE, OF OWENSBORO, KY.

ORIGIN OF THE STATE.

BEFORE its admission into the federal Union, Kentucky never had a territorial or other separate government. It emerged from the *terra incognita* of the western wilderness, not as a separate entity, seeking fellowship with the other colonies but as a part and parcel of the Old Dominion. Before 1738, Orange county was supposed to embrace within its ample limits the territory afterward known (at least so far as the British title covered the same) as the state of Kentucky. In that year, Augusta county, or parish, was created out of a part of Orange. "Lying on the northwest side of the Blue Ridge mountains, extending thence northerly, westerly, and southerly, beyond the said mountains to the utmost limits of Virginia, to be separate from the rest of said county, and erected into two distinct counties and parishes, to be divided by the line to be run from the head spring of Hedgeman river to the head spring of the river Potowmack:" so the boundary was described in the statute of the colonial legislature. A recent writer referred to it as "then the frontier country, stretching away with yet undefined limits, the hazy claims of France and North Carolina being too indefinite to give it any certain boundaries."

In 1764 Augusta county was subdivided and Botetourt county cut off, and in 1772 Botetourt county was likewise divided and Fincastle formed therefrom. In that auspicious year in which the American colonists declared themselves a free and independent people, the Virginia legislature erected a new county out of that part of Fincastle county west of the Blue Ridge, and by some happy chance called it Kentucky. Formerly its territory had borne a succession of British names, but as the first-born county of a free and independent colony it received a name distinctly American. Four years later, on account of increase of population Kentucky county was subdivided into three counties called respectively Jefferson, Fayette and Lincoln,—two of these names having been rendered illustrious by Americans, and the third by a brave Frenchman who fought for American liberty. But, in thus honoring those to whom honor was due, the name of Kentucky was not only deprived of its importance as the name of a magnificent county, but for the time was discarded from legal nomenclature altogether. It was fortunately



Lucius P. Little.

so, for if one of those counties had retained the name of Kentucky, when afterward the new state had sought a name it would scarce have borrowed from one of its subdivisions. It is beyond conjecture what might have befallen it in such an event. A kind fortune directed all. It had been Kentucky to the Indians, and afterward to Boone and his pioneers, and Kentucky it would and did continue in the mouth and memory of all men.

In 1783 the three counties named were formed into a district called the Kentucky district, and in it a court established of general civil and criminal jurisdiction. In 1786 Nelson county was created out of a part of Jefferson and the district court thereafter held terms at Bardstown.

The treaty with Great Britain in 1783 had ended the war of the Revolution and brought peace and secured liberty to the American states. Yet there was discontent with the form of government adopted during the war by the articles of confederation. Governmental change was a subject of pressing moment, and the question of the hour was, How to secure a government sufficiently stable and efficient and yet not so powerful as to endanger the liberty that had cost so much bloodshed. While the people of the east and seaboard states were thus agitated by problems relating to a national organization, the pioneers of Kentucky were discussing the ways and means for erecting a new state in the Ohio valley. If an improved national government was felt to be needed to regulate commerce between the states and foreign nations as well as to represent them in all their common interests, equally emergent was it that a local government with sovereign power should provide that defense against a barbarous enemy which could not be or certainly had not been otherwise supplied.

In 1785 the first of a series of conventions was held at Danville, composed of delegates from the four counties of the district. The object of the meeting was to secure statehood, and as a means to the end Virginia was petitioned to establish Kentucky "into a state." To this petition Virginia acceded, but through its legislature exacted certain prescribed conditions, one of which was the assent of the federal government by a given date in the future. It is peculiarly interesting and difficult to determine whether Virginia at first proposed to admit Kentucky to statehood by the assent of the federal government or for the latter to admit the state into the Union by the assent of Virginia. The articles of confederation in force at that time were silent on the admission of new states, though the constitution of the United States that went into operation in 1789 did provide that a new state should not be created without the consent of the other states and of congress.

Virginia consented to separation only on condition that the people of Kentucky favored it, and on the further condition that stipulations be made for the security of the property rights of her citizens in the new state and on certain other prescribed terms. It was only after holding the fourth Danville convention that conditions of separation were finally agreed on with Virginia and assented to by the federal government. The delay of the government in assenting to the admission of the new state caused great discontent. General James Wilkinson, a leader in those times, was disposed to favor the establishment of an independent state, separate and apart from the federal Union; but other counsels prevailed and the tardy

assent of both Virginia and the federal government was finally secured.

The presiding officer of each of the Danville conventions, and a leading spirit in their deliberations, was Samuel McDowell, whose biography appears elsewhere.

COMPACT WITH VIRGINIA.

The compact with Virginia was an act passed by the legislature of that state December 18, 1789, entitled an "Act concerning the erection of the district of Kentucky into an independent state." This act was not passed until after the adoption by Virginia of the federal constitution. It set forth certain terms on which the territory embraced in the district of Kentucky might be erected into a state, to which terms the assent of the new state on its creation was required. When this assent was given the proposition and acceptance became a binding and irrevocable agreement, thereafter known as the "Compact with Virginia." Massachusetts and other etates ceding part of their territory for new states exacted like agreements. The first constitution formally agreed to the compact: "'The Compact with the state of Virginia,' subject to such alterations as may be made therein, agreeably to the mode prescribed by the said conpact, shall be considered as part of this constitution." The same provision was contained in the constitutions of 1799 and 1849, but omitted from that of 1891. The compact provided for holding a convention in the district to determine whether the people favored separation.

That question being settled in the affirmative, numerous other stipulations were prescribed as the conditions of such separation. These referred to the boundary between the two states; an apportionment of the Revolutionary and Indian war debt; and the validity of land titles derived under the laws of Virginia. It prohibited the taxation of non-residents higher than resident land-owners, or that failure to cultivate or improve lands belonging to non-residents should subject them to forfeiture for six years after the admission of the state. It also provided that grants of land by the new state should not interfere with those made by Virginia, and that the navigation of the Ohio river should continue free to the citizens of the United States. A mode of settling disputes as to the terms of the compact, or as to cases arising under it, was provided:

It was a final condition for the admission of the new state that the United States should assent to its establishment prior to the first of November, 1791. In fact, however, congress did not assent to admission until February, 1792. In explanation of this delay, it has been stated, congress, if not reluctant, was indifferent as to the admission of Kentucky. This has been attributed to the fact that in the Virginia convention of 1788, called to consider the ratification of the federal constitution, eleven of the fourteen delegates from the district of Kentucky voted against ratification. The victorious friends of the constitution were in no haste to confer a favor on these perverse republicans of the western wilderness. But this delay in assenting to admission by congress seems not to have been regarded as any cause for postponing the convention assembled to arrange a form of government and usher in a new state.

THE FIRST CONSTITUTION.

In March, 1792, five delegates were chosen from each of the nine counties of the district to the convention at Danville,

to be held the first Monday in April following. The formation of the first constitution was a delightful task for those engaged in it. This was very fully exemplified by the expedition and harmony with which they completed their labors. The convention assembled April 2, and finally adjourned the 19th of that month. For seven eventful years the people of the district had sought separation from Virginia; for seven years and more had they brooded over the hardships and dangers to which their isolated and defenseless situation subjected them, and for seven years their leaders had encouraged the hope that the erection of a new state west of the mountains was at hand, and with it relief from their many grievances. Repeated delays had only increased the desire for an independent government, which the convention hastened to gratify. Its members were not only free from personal rivalry, but bound together by many strong and tender ties. Most of them had seen military service either in the Revolutionary army or in the Indian wars in the west. All felt the sympathy begotten of common danger and hardship and united in a plan that promised common protection.

The preamble of the constitution had a ring of business in it, unusual in an age when the framers of legal or political documents seemed partial to formality and circumlocution. Compared to other like preludes its brevity is striking and admirable. The plan prescribed for choosing senators and governors was unique and complex. Electors were to be elected every fourth year as numerous as members of the house of representatives, and these electors were authorized to choose senators and governor. In case of vacancy in the senate it was to be filled by that body until the next quadrennial election. Each house of the general assembly was required to publish its proceedings weekly, except such parts as required secrecy. Senators, representatives and sheriffs were not only forbidden to "treat" to procure election, but canvassing for an office disqualified them from holding it. Republican virtue at that early day had reached high-water mark. Provision was made in case of the governor's death that the speaker of the senate should exercise the office until another could be qualified. The attorney general, secretary of state, and treasurer were each appointive by the governor. All elections were by ballot. Laws in force in Virginia of a general nature were continued until altered or repealed by the legislature. The general, great and essential principles of liberty and free government were set forth in twenty-seven several propositions, the chief sources of which were evidently the federal constitution and Declaration of Independence. The constitution when completed was not submitted to the people for ratification, but by its terms went into operation June 1, 1792, the day the act of admission took effect and but little more than a month after the adjournment of the convention.

Besides Judge Samuel McDowell, there were other men of note among the delegates. Two of them—Shelby and Garrard—afterward became governors of the state. One of them — Edwards — United States senator; another—Walton—a member of congress; and two—Sebastian and Wallace—judges of the court of appeals. James Garrard and David Rice were ministers of the gospel, and Benjamin Sebastian and Caleb Wallace had previously forsaken the ministry for the profession of law. Colonel Richard Taylor, of Jefferson county, had been a member of the Virginia legisla-

ture, was a delegate in the preceding conventions, and subsequently a member of the Kentucky legislature. He had the good fortune to furnish an illustrious son to be foremost of his country's soldiers, General Zachary Taylor, who died the twelfth president of the United States.

That its members acted with due sense of responsibility was illustrated by the resignation of one of them to ask a re-election, because he had changed his opinion on an important public question. George Nicholas was not only a conscientious man but was pronounced, by one competent to speak, the "brightest luminary of the convention and most eminent lawyer of his time." He entered the convention as a delegate from Mercer county, where his great services caused one historian of Kentucky to pronounce him the author of the constitution it framed. Some think too much credit is accorded in this respect, yet a manuscript copy of the instrument with corrections and notes in his own difficult chirography still in existence corroborates the assertion.

OCCUPYING CLAIMANTS' LAW.

The lands of Kentucky in its early settlement were not sectionized as was subsequently so wisely done in the new states of the northwest territory. In the haste of Virginia surveyors to appropriate government land great looseness and uncertainty prevailed. In making entries it was required by statutes regulating the subject that there should be sufficient description to identify lands intended to be appropriated; but in many instances these entries were so vague and indefinite that they could not be upheld by the most liberal construction. As an unfortunate result purchasers of lands resting on these titles frequently lost them, and oftentimes after having for years occupied and improved them.

Such misfortunes sent Kenton and Boone from the state they had helped to reclaim from the savages, beggars in their old age. "For remedy whereof," said the legislative enactments undertaking to correct this evil, the lower branch of the legislature, at its session in 1794, passed a bill known as "the occupying claimant law." The purport of this law was that if a *bona-fide* claimant of lands under a conveyance of record should be evicted by superior title, he was only required to answer for rents from the time he had notice of such superior claim, and should also be entitled to compensation for all his improvements. But on reaching the senate the bill was defeated by that body, causing great disappointment to the numerous friends of the measure.

As early as 1795 the people had begun to criticise and condemn the provision of the constitution (already explained) that rendered the senate to a great extent independent of those for whom it legislated. Criticism became more free, and condemnation more unsparing when in each of the legislative sessions of the three succeeding years a like fate awaited the occupying claimant law. In 1796 the defeat of Benjamin Logan, one of the most heroic of the pioneers, by James Garrard, a preacher, through the operation of the electoral system, still further created dislike and distrust of the constitution.

It grated harshly to be told that the proposed legislation was unconstitutional, as urged by James Hughes, of Lexington, a member of the general assembly and one of the most eminent land lawyers of his day; but in 1798 the long contest ended in the passage by both houses of the coveted en-

actment. No sooner had it become a law than its enforcement was resisted in the courts on the ground that it violated the compact with Virginia. The seventh section containing the alleged inhibitive language was as follows: "That all private rights and interest of lands within said district derived from the laws of Virginia prior to such separation shall remain valid and secure under the laws of the proposed state, and shall be determined by the laws now existing in this state." After protracted litigation its invalidity on the ground named, was finally determined by the supreme court of the United States in the celebrated case of Green v. Biddle. This decision, it so happened, was by a divided court, and this circumstance the court of appeals of Kentucky seized upon as an excuse for disregarding it. The state court held that the law was not unconstitutional, and also that a decision of the supreme court of the United States on a constitutional question rendered by less than a majority of the whole bench was not authoritative. It is needless to observe that this doctrine has not been followed in subsequent cases.

The legal and political literature of that day was enlivened, if not enriched, by this controversy. Great lawyers petitioned for a reconsideration and the people sent protests and remonstrances to Washington, but they availed not. Nevertheless the Kentucky courts enforced the provisions of the law with entire and uniform indifference to the United States supreme court's decision. This state of affairs continued many years and until the legislature passed a statute limiting actions to seven years against occupying claimants. This latter law was approved by the United States supreme court, and thus the question of the validity of the "occupying claimant law" was finally removed from controversy.

One of the champions of the constitutionality of the occupying claimant law was Chancellor Bibb, a Virginian, born in the year of American independence. He arrived in Kentucky the year the law was passed, and ten years afterward received the appointment of judge of the court of appeals. Twice was he a United States senator, a chancellor of the Louisville chancery court and secretary of the treasury in President Tyler's cabinet. A biographer has pronounced him "a profound scholar, and a great mathematician as well as a most eminent jurist." He died in 1859.

OF CRIMINAL PUNISHMENT.

It was the same year the occupying law was enacted that another important statute was passed that marked the enlightened progress of the state. As previously stated, on the adoption of the first constitution, by a provision thereof the laws of Virginia in force in the district were continued in force in the state. The sanguinary code of the common law prescribing death for a great number of crimes of the class called felonies, such as robbery, cattle-stealing, arson, counterfeiting, etc., was in operation. By one merciful legislative stroke the death penalty was blotted from the statute book, except as to murder in the first degree. This humane policy has ever since prevailed, having been modified only as to the crime of rape. The causes influencing this enactment are very explicitly set forth in the preamble to the act.

"Whereas the reformation of offenders, an object highly meriting the attention of the laws, is not affected at all by capital punishments, which exterminate instead of

reforming and should be the last melancholy resource against those whose existence is become inconsistent with the safety of their fellow citizens which also weaken the state by cutting off so many, who if reformed might be restored sound members of society, who even under a course of labor might be rendered useful to the community and would be living and long continued examples to deter others from committing like offences; and forasmuch as experience in all ages and countries hath shown that cruel and sanguinary laws defeat their own purpose by engaging the benevolence of mankind to withhold prosecutions, to smother testimony, or to listen to it with bias and by producing in many instances a total dispensation and impunity under the name of pardon and benefit of clergy, when, if the punishment were only proportioned to the injury, men would feel it their inclination, as well as their duty, to see the laws observed."

This law sprang not from the tenderness for human life so much as the widespread belief that punishments were excessive. While Kentuckians have been accused of a too great readiness to shed blood on individual account, yet when the law has been called upon the saying has probably been too often acted upon that judgment is the prerogative of God, but pity the privilege of man.

RESOLUTIONS OF '98.

The political pendulum swung to its extreme verge in one direction when the alien and sedition laws were passed by congress in 1798, and to the opposite extreme when the so-called resolutions of '98 were adopted by the Kentucky legislature. The alien law had empowered the president to order aliens, whom he supposed to be conspiring against the peace or authority of the United States, to depart therefrom, and in case of disobedience to imprison them at his discretion. The sedition law made it an offense punishable by fine and imprisonment to print, utter or publish any false, scandalous and malicious writing against the government of the United States, the president or either house of congress, with intent to defame either of them, or excite against either of them the hatred of the good people of the United States. This was construed to authorize, not only the prosecution of the publisher of malicious falsehoods, but also the punishment of him who in uttering his honest opinions might bring ill will to the authorities.

Colonel Mathew Lyon, the publisher of a newspaper, then a member of congress from Vermont and afterward from Kentucky, was tried and convicted in 1799 under the law, for libel on President Adams, and fined one thousand dollars and confined four months in jail.

The alien and sedition laws were the provocation for the resolutions of 1798. The question of the authorship of the resolutions was formerly the subject of no little controversy. By some they were attributed to Thomas Jefferson; by others to George Nicholas; by still others to John Breckenridge. The last named was the introducer, and responsible leader in their passage through the legislature, of which he was a member. Mr. Breckenridge was an eminent lawyer, had been attorney general in the new state, and was the pupil in youth, and all his after life a close friend, of Jefferson. The resolutions declared the alien and sedition laws to be in violation of the constitution, and therefore void. They defined the origin of the federal government and its

nature; declared that it possessed only delegated powers, and that sovereignty remained with the several states, and that the Union and government established by the constitution was a compact between the several states. It was also declared that each state had an equal right to judge of infractions of this compact by the general government, and also as to the measure and mode of redress for such infractions. These resolutions contained the seed that over sixty years later sprang into secession and led to internecine war. They were alone opposed by William Murray, one of the members from Franklin county. Mr. Murray had held the post of attorney general of the state from 1792 to 1795, and was withal an able lawyer and an eloquent speaker. But it was in vain he argued that the general government was formed by the individual citizens of the several states, and not by the states in their governmental capacity. The resolutions were adopted with but two dissenting votes, Murray's being one. The following year John Pope, then a young and promising rival of Henry Clay, attempted to amend or modify them, but failed, the legislature taking occasion to reaffirm them. And so they and the doctrines they enunciated flourished with more or less vigor in Kentucky and her sister states to the southward until washed out in the blood of the descendants of those who adopted them.

THE SECOND CONSTITUTION.

Various objections had arisen to the first constitution within a few years after its adoption. The chief of these has already been referred to, being the mode of choosing senators and governor. The distinguished lawyer, Ben Hardin, while a member of the constitutional convention of 1849, remarked that one of the strongest reasons for a new constitution in 1799 was a desire to change the time of holding general elections. The first constitution had designated May, but, owing to the fact that water courses were frequently unfordable at that season and to the absence of bridges, many voters were unable to attend the elections, as they might do later in the year. Other objections may be inferred by noting the changes introduced by the new instrument.

The first constitution provided that a vote should be taken on the question of calling a constitutional convention, and further, that if a majority of all voting for representatives should have voted for it, then a similar ballot should be taken the next year. If in the second year the vote proved favorable, then it became the duty of the legislature to call the convention. The result of such a vote taken in 1797 and 1798 each year showed a large majority in favor of a convention. So in November, 1798, on the assembling of the legislature, an act was passed calling the convention for July 22, 1799. At the May election, 1799, the twenty-five counties chose fifty-five delegates, Bourbon and Fayette contributing twelve of the number. Of distinguished men among the delegates may be named John Breckenridge, author of the resolutions of 1798; Richard Hickman, long a member of the legislature and lieutenant governor during the second term of Isaac Shelby; John Buckner Thruston, a former district judge and afterward United States senator and United States district judge for Louisiana, and again for the district of Columbia; Harry Innes, judge of the United States district court for Kentucky; John Adair, a brave soldier and twenty years later

governor of the state; Felix Grundy, Caleb Wallace, William Logan and John Rowan, —each afterward judges of the court of appeals; Green Clay, who won brilliant laurels in command of the troops of the northwest; and the indomitable Ben Logan.

The convention assembled and chose Alexander Scott Bullitt, an eminent lawyer of Louisville, as presiding officer. As it continued in session but twenty-seven days, it was manifestly an industrious body.

It changed the time for voting from May to August and abolished the unpopular electoral machinery, providing instead for the election of senators and governor by direct vote of the people. Clergymen and persons holding state offices were made ineligible to the general assembly. It was declared that no congressman or any federal officer nor any minister of the gospel should be governor. James Garrard was a Baptist preacher when he defeated Ben Logan, and it is just possible that this provision grew out of that circumstance. However that may be, Garrard was re-elected the following year, having abandoned the ministry and become as dubious as St. Peter on one occasion to his former relations to his Master. Humphrey Marshall had once defeated John Breckenridge for United States senator; but no one can say that on this account congressmen were barred from the governorship because the latter was a leader in the convention. The office of lieutenant governor had its origin in the convention, and its president, Alexander Scott Bullitt, was the first to fill it. The manner of voting was changed from the ballot to *viva voce*, a mode that remained in use for ninety years afterward, when vote by ballot was restored.

The concluding provision was that the constitution should go into effect the first of June in the year 1800. In the main there was little substantial difference between the first and second constitutions save in the change in the mode of electing the senators and governor. But the same sentiment that suggested the change to make the officer directly responsible to the people he served by giving power to displace him at fixed intervals continued to grow with such vigor that it dominated the next constitutional convention a half century later.

BANKS AND BANKING.

The origin of banking in Kentucky was decidedly unique. In 1802 the legislature passed an act chartering a company called the Kentucky Insurance Company. Among the powers conferred by this charter was that of banking and issuing bank notes. The people were at that time exceedingly hostile to banks and to paper money, no doubt on account of their then recent unfortunate experience with "continental" money—a form of currency issued under authority of the continental congress, which had became valueless. The people were amazed and shocked when they learned of this charter. The members of the legislature, however, apologized to their constituents by explaining that they did not know what the charter contained when they voted for it. There was no gainsaying so frank though stultifying an excuse; and so nothing remained but to submit to an ill. In the next few years, however, popular sentiment underwent a remarkable revolution respecting paper money.

In 1807 the legislature, with public approval, created the Bank of Kentucky authorizing a capital stock of one million

dollars, with authority to issue current notes. This institution and the United States Bank, chartered about the same time, furnished the paper money and a larger part of the circulating medium of the state for many years following.

In the second and third years after the war of 1812–15 the people generally, and those of the west especially, were beset with hard times. Money was scarce and debts and taxes difficult to collect. The antipathy to paper money at this period had not only entirely disappeared but instead there was an urgent popular demand for an increase of that form of currency.

At the legislative session of 1818 no less than forty-six independent banks were established at various points in the state with an authorized aggregate capital of eight millions seven hundred and twenty thousand. But later, and in the same year, the financial pressure became so great that all Kentucky banks were forced to suspend specie payment. The Bank of Kentucky was the only one afterward to resume.

Early in 1820, the independant banks having failed of their purpose, their charters were all repealed. Financial stringency continuing, on the meeting of the legislature the same year the Bank of the Commonwealth was established at Frankfort with an authorized capital of three million dollars and a provision for a branch bank in each judicial district. It was authorized to issue paper money, but was excused from redeeming it in specie. Certain public lands south of the Tennessee river were pledged for the financial redemption of the notes of the bank. It was provided that these notes should be full legal tender in payment of debts and taxes, and that if the creditor refused to accept them his debtor should, after judgment, have the right to replevy for two years.

An interval of many years elapsed before another bank charter was granted, and during that period the Bank of the Commonwealth died of inanition, or inherent infirmity, leaving a large circulation as a *memento mori*.

The Louisville Bank of Kentucky was created in 1833, and organized and conducted with such conformity to correct banking as ensured its stability and success.

Following this, in 1834, the Bank of Kentucky, at Louisville, was chartered with six branches and an authorized capital stock of five million dollars. Next year the Northern Bank at Lexington was granted a charter authorizing four branches and a capital of three million dollars. In 1839 the Southern Bank of Kentucky at Russellville, with a capital of two million dollars and six branches. In each of the three last named banks the state subscribed for one million dollars of stock, issuing its bonds in payment. Historian Collins notes, in his Annals of Kentucky, a great debate in 1839 in the house of representatives on a bill to charter a branch of the Southwestern Bank Railroad. Simon H. Anderson, of Garrard, for, and John H. McClung, of Mason, and Thomas F. Marshall, of Woodford, spoke against the bill, the two latter being specially "statesmanlike, masterly and thrilling." The bill was defeated only by a close vote. These three,— the Bank of Kentucky, the Northern Bank and the Southern Bank,— together with the Farmers' Bank, chartered in 1850, with a capital stock of two million three hundred thousand dollars, and nine branches, may be fitly termed the great banks of the state of the *ante-bellum* era.

Of the multitude of other banks and

banking institutions, chartered before and after the civil war, no mention is attempted. The introduction of national banks subsequent to the war, with power to issue currency (a privilege denied the state banks), has much diminished the commercial importance of the latter.

RELIEF LAWS.

There are few limitations on the powers of the several states to be found in the national constitution more frequently invoked than that which forbids laws impairing the obligation of contracts. The anxiety of the legislatures in times of financial pressure to give relief to the people puts them on the alert to discover how far the remedy of the creditor may be weakened or withheld without affecting the obligation of the contract. Imprisonment for debt was imported with other features of the common law from England. The theory upholding that remedy of the creditor was that he who failed to pay a debt had contracted it either with the intent not to pay it, or so improvidently as to be equally culpable, and in either case deserved punishment. That theory at an early day was regarded as unsound in the American republic, and that was the sentiment in the state of Kentucky. The more charitable view was preferred that the debtor was rather a victim of uncertain seasons and the occasional ebbing of general prosperity than improvidence or unthriftiness of his own.

As late as 1820 a creditor could cause his debtor in default to be closely confined in the county jail; but the prevailing hard times filled the jails and caused widespread sympathy for the debtor class. The first movement for its relief was a law enacted in February of that year extending prison limits to the bounds of each county town, and in December following imprisonment for debt was entirely abolished.

In the last months of the year 1819 an act had been passed by the legislature over the governor's veto suspending all judicial and execution sales for sixty days.

The state had sold public land to settlers on credit, and in November, 1820, additional time was allowed in which to pay. For further relief the right of debtors to replevy judgments was extended from three months to twelve. The notes of the commonwealth's bank had fallen below par value after being widely circulated by liberal loans; but a law was enacted that if a creditor refused to accept these notes at their face value for his debt, or refused or failed to endorse his execution that notes of the commonwealth's bank would be accepted in payment, the debtor had the privilege of replevying the debt for two years. This law was assailed as unconstitutional, and the Bourbon circuit court having so decided, on appeal to the court of appeals the decision was affirmed.

In 1824 the two-year replevin law was repealed; but a law was then enacted providing that property taken under execution should be valued in specie and not sold unless as much as three-fourths of that value was bid for it. This legislation, and the decisions of the courts upon it, created great excitement, arraying the debtor and creditor class against each other and engendering strife that only subsided by the lapse of years. The politics of the state were dominated by it. It decided the result of elections. The debtor class, predominating, chose legislatures and a governor to represent it and carry out its schemes at all hazards.

NEW AND OLD COURT.

Judge James Clark presided in the Bourbon circuit court in 1822, and he it was who first decided that the two-year replevin law impaired the obligation of contracts and was therefore unconstitutional. The friends and advocates of the relief laws in the legislature were so much incensed at this decision that a resolution was introduced requiring the governor to remove Judge Clark. To pass such a resolution required a two-thirds majority vote in each house, but not receiving that majority the resolution failed. When, in October, 1823, the court of appeals affirmed the decision of Judge Clark the judges composing that court became the objects of popular wrath.

In January, 1825, resolutions were introduced in the legislature requiring the governor to remove Chief Justice Boyle and Judges Mills and Owsley, of the court of appeals; but the measure not receiving the requisite two-thirds majority the attempt failed, as in Judge Clark's case.

The next plan resorted to was crowned at least with temporary success. If the judges were beyond reach, why not abolish the court over which they presided? So reasoned the impatient majority, and having so concluded an act was passed abolishing the court of appeals and another adopted establishing a new court. A governor in sympathy with these revolutionary movements was in office, and without ado approved the act and appointed judges for the new court in sympathy with relief legislation. The old-court judges, however, refused to recognize the validity of the act legislating them out of office, and so continued in session. The new court was, nevertheless, organized and proceeded with its labors, which proved to be limited in amount and character. Some litigants prosecuted appeals to one court and some to the other. Some circuit judges recognized one and some the other as the true court, while others impartially recognized both.

This remarkable state of affairs continued less than two years, when the legislature repealed the act erecting the new court. The court of appeals having been created under the authority of the state constitution then in force, it was very clearly beyond the power of a discontented and fractious legislature to destroy it.*

THE THIRD CONSTITUTION.

The defeat of the new-court party in 1824 sowed the seed that afterward brought forth as its fruit the convention of 1849. The old court of appeals had been established by the constitution of 1799. Intrenched behind such a bulwark that tribunal had bidden defiance to its adversaries. But those opposed to its rehabiliment sought through another convention to amend the constitution so that year after year this question was introduced into the legislature and as uniformly voted down until 1847. The new-court party was absorbed by the "Locofoco," or Democratic party. The Whig party was in power in the state and for the most part in all the counties. The state officers and appellate judges were Whigs; the circuit judges and commonwealth attorneys were also Whigs, and in nearly all the counties the clerks of circuit and county courts and other appointive county offices were of that party. These

* NOTE.—Another article, "The Old Court and the New Court Struggle," giving a more general view of the causes leading up to the legislation here mentioned, appears elsewhere.—EDITOR.

officials held their offices for life or during good behavior. They were appointed by Whig governors, or by subordinate officers who had been appointed by such governors. The Whig party furnished the office-holding class, and to it went all the honors and profits of office that came from the appointing power.

This office-holding class with a life tenure formed the nucleus of a very perfect organization for rallying their partisans in contests for seats in the legislature. So the Whigs retained their ascendancy in state affairs with scarce an interruption for a score of years. Naturally the Democrats favored any scheme that promised a change in the existing order. Of these none was more hopeful than a constitutional convention. The chief strength of the Democracy was among the agricultural class. It maintained its organization and fought for its principles year after year with dogged persistence. Its adherents were accused of ignorance and unreasonable and blind prejudice. But without being specially instructed they could not fail to see that they were supporting a state government in control of which they had little share. They had leaders, too, who had expounded the doctrines of Jefferson and Jackson as those doctrines bore upon the condition of affairs in Kentucky. If the Whigs held all the offices it was in clear violation of the party slogan of "equal rights to all and exclusive privileges to none." The party had able champions of its principles that never wearied in the conflict for success. Of these were John P. Martin, the Rob Roy of the mountains, once a congressman and often in the state legislature; Linn Boyd, of the "Purchase," eighteen years in congress and twice speaker of the house; William T. Barry, a skillful lawyer and eloquent speaker, who trod every round of honor from the state legislature to a seat in President Jackson's cabinet; James Guthrie and Charles A. Wickliffe, each of whom had also held cabinet positions; John Rowan, an ex-judge and ex-United States senator; Richard M. Johnson, besides serving in both houses of congress and receiving the Democratic nomination for vice-president on the ticket with Martin Van Buren, was a brave soldier and withal the slayer of Tecumseh; Elijah Hise, a great lawyer, afterward on the appellate bench and in congress—a very Titan in debate. Such men as these educated the Democracy to believe that all officers were but servants of the sovereign people, whom the sovereign had a right to displace for a sufficient reason, and moreover that rotation in office was the highest political equity.

An entirely personal affair occurring in 1846 resulted more to the advantage of the advocates of constitutional reform than the arguments of a decade before. William Owsley, long a judge of the court of appeals, as the candidate of the Whig party had been elected governor in 1845. In pursuance of a previous pledge to that effect, on inauguration he appointed Ben Hardin, one of the most distinguished lawyers of his time, secretary of state. For each it was a most unfortunate appointment. A more inharmonious pair were never thrown together. Their differences, not only in taste and sentiment, but also in modes of thought and manner of life, were radical and utterly irreconcilable. The governor was reserved and dignified to a marked degree, careful of his personal appearance and dress, and observant of all the proprieties befitting his official position. On the other hand his secretary delighted in a yeoman-like dress, was

unaffected in manner, of a racy humor and trenchant wit. He was in all respects the antipode of his chief.

Early after these relations were assumed the governor began to treat his secretary coldly. Grievance after grievance accumulated until finally he revoked the appointment of Mr. Hardin and designated his successor. Out of this occurrence sprang one of the most remarkable contests ever witnessed in the state. Hardin resisted every effort to oust him from office, challenging the governor's right to make the attempted revocation. On the motion to confirm the nomination of his successor, he opposed it and delivered in the senate a speech remarkable for its ingenuity and eloquence and still more for the effect it produced. The governor's nomination as a result was rejected by an overwhelming majority, after which Mr. Hardin resigned. In the course of the speech referred to, Mr. Hardin had excoriated Owsley for nepotism and other abuses of the appointing power. Although a life-long Whig and a leader of the party, always opposed to a constitutional change, Mr. Hardin lost no time in taking his place among the advocates of constitutional reform, and a most potential recruit he proved.

"One blast upon his bugle horn
Was worth a thousand men."

Another circumstance of that period must be reckoned in tracing causes that led to a favorable vote for the calling of a convention. The Mexican war had just ended, and while it had cost Kentucky many valuable lives there was solace in the glory achieved by the valor of those who survived. Many of these were Democrats, but at such a time patriotism was at high tide and party lines disregarded. This increased the Whig allies of Democracy under the lead of Hardin and others, and insured the success of the convention movement. The legislature of 1847 and 1848 respectively provided for voting on the question of calling a constitutional convention, and each year the proposition carried by large majorities.

The convention met on October 1, 1849, and chose James Guthrie as its presiding officer. The most important constitutional changes made were the provision that all officers, state, district, county and municipal, should be elective by vote of the people; depriving the state of its power to contract debt beyond a fixed limit; and providing for a reformed procedure in the courts.

The advocates of slavery were active in preventing any measure hostile to that peculiar institution; and the obstacles interposed to holding another convention were inserted as a bulwark against future machinations of the abolitionists. Other changes and reforms of a minor nature were also adopted.

After a session continuing till December 21, 1849, the convention adjourned, and a vote of the people followed ratifying its labors.

Among the leading members of the convention were James Guthrie, Ben Hardin, Archibald Dixon, Garrett Davis, William Preston, Richard D. Gholson, Richard Apperson, Ninian Edwards, James R. Erwin, George Kavanaugh, Squire Turner, J. D. Taylor, David Merriwether, Beverly H. Clark, Philip Triplett, A. K. Marshall, John H. McHenry, John W. Stevenson and Silas Woodson. Many of these names before and after were honorably distinguished in the history of the state. Taking it all in all, it was the most distinguished body of

men for capacity and talent ever assembled in the state.*

REFORMED PROCEDURE.

The spirit of reform that found expression in the constitutional changes made by the convention in 1849 manifested itself in the legislatures immediately following. Prior to that time the pleadings and procedure in the courts of law of the state were substantially those that had long been established by common law, and not materially variant from that laid down by Chitty and Stephen. It was attended with not a little complexity, and clients represented by unskilled lawyers often lost meritorious cases on technicalities; attempts had been made from time to time to remedy this evil in the system, which had however only been partially successful.

As early as 1805 an act had been passed providing that on a note or bond for the direct payment of money suit might be brought by petition, the form of which was prescribed. At first a copy of this petition with the summons was required to be served on the defendant, but in 1827 the service of a copy of the petition was dispensed with. Ten years afterward the law was so amended as to allow suits on bills of exchange against all the parties thereto by petition and summons. In addition a statute of jeofails was enacted allowing amendments and curing errors to a limited extent. This was the chief reform in procedure prior to the adoption of the third constitution.

New York, Ohio and other states had already abolished the forms of common-law pleading and substituted a simpler system embraced in a code. The purpose of the code system was to minify mere formalities, dispense with all forms as far as might be, enlarge the privilege of amendment at every stage of a case, and retain only those vital rules whereby parties were required to concisely state the matters in contention, with a prayer for the relief desired.

The constitutional convention of 1849 incorporated in the instrument framed by it a provision to the effect that at the first session after the adoption of the constitution the general assembly should appoint three persons, learned in the law, whose duty it should be to prepare a code of practice for the courts, both civil and criminal, in the commonwealth, reforming procedure by abridging and simplifying the rules of practice and laws in relation thereto. It is needless to observe that the purpose was to follow in the steps of other states where a reformed procedure had been adopted. Commissioners were accordingly appointed, who reported in March, 1851, a code of practice in civil cases, which was adopted by the legislature, with the proviso that it should go into operation the first of August following. In 1854 the "Civil Code," with amendments, and the Code of Practice in Criminal Cases, were adopted and went into effect the first of July of that year.

From time to time further amendments to the system of procedure have been made, the most notable being that of 1876, requiring parties to plead to an issue.

The best evidence that these changes in procedure were wise and just lies in the fact that no one has ever seriously advocated a return to that system which it supplanted.

The selection of commissioners to prepare a code of practice was exceedingly wise. Madison C. Johnson, James Harlan and Preston S. Loughborough were appointed,

* NOTE—An account of the formation and adoption of the fourth constitution, of 1890, is given elsewhere, by Hon. Bennett H. Young.—EDITOR.

but, Mr. Loughborough having resigned, John W. Stevenson took his place on the commission.

INTERNAL IMPROVEMENTS.

The need of better military organization to resist and repel Indian attacks fairly suggested the need of an organization for the defense of the inhabitants of the district of Kentucky. On the admission of the state into the Union, as its sponsors had all been soldiers and its first governor had borne part in many honorable battles, there was infused into it the energy of the military spirit. There seems good ground to charge that the state proposed not only to have a strong government, as evinced by the defiance to the federal authorities in the resolutions of 1798, but also a paternal policy, as the various schemes for internal improvements and for embarking the state in banking schemes seemed to indicate. At first the state legislature confined itself to promoting the building of roads and bridges, a policy very naturally dictated by the necessities of the people at the time. But long after this necessity had passed away, and after the people or the counties had become amply able to provide roads and bridges, the state's funds were still thus appropriated. The result was that in respect to roads a small area of the state became the favored recipient of this paternalism.

Early in his career Henry Clay became an enthusiastic supporter of the plan of internal improvements by the national government. On entering the senate of the United States his first speech was in advocacy of a bridge over the Potomac. He proposed that the government should, through proper officials, report to congress what roads, bridges and canals were necessary, and what rivers and harbors needed improvement. Information was also sought as to funds that were available with a view to their immediate expenditure for these purposes. But for the fact that other able statesmen doubted the powers of the congress in this respect and successfully opposed these schemes, it is impossible to imagine what the result might have been. In Kentucky the Whig party was in power, and Mr. Clay early became its leader and autocrat. If the national government hearkened not to his eloquent pleas for internal improvement by the national government, the state government was more gracious and entered upon a system of public expenditures altogether regal. Surveys were made and the cost of improvements estimated on Green and Barren rivers; Rock Castle; Cumberland; Great South Fork of Cumberland river; Goose creek, a canal from Goose creek salt works to Cumberland ford; upper part of Big Barren river; Little river; Salt river; Rolling Fork; Beech Fork; Little Sandy; Big Sandy river and its west fork; Licking river; Kentucky river and its forks, and the Louisville and Portland canal.

It was found that many millions of dollars would be necessary to subdue the torrents of some and to submerge the dry beds of others sufficiently for purposes of navigation. On some of these streams an aggregate of millions of dollars was actually expended. A board of internal improvements was created and its president was elected every four years at the general election of state officers. The board survived for over twenty years, and long past its usefulness, before it was finally dispensed with. It was the legislative theory at the time that these improvements would be remunerative investments for the state and ultimately yield

handsome dividends. A few years sufficed to dispel this illusion and the zeal for internal improvements gradually grew cold. The state first sought to relieve itself of the burden of keeping its improvements in repair by leasing them to private companies, but finally transferred such of them as it would assume to the federal government. Each of the state constitutions adopted since the internal-improvement era passed away have limited the power of the state to create indebtedness and for designated purposes. Thus the people are secure against this old-time folly, and the statesman with schemes requiring governmental subsidies must needs look to the national treasury.

SLAVERY.

The institution of slavery existed in Virginia while it was yet a British colony, and so continued subsequent to the Declaration of Independence. Slaves were brought to the territory afterward embraced in the state of Kentucky, then an integral part of Virginia. The institution had taken root from this Virginia planting before the young state had opportunity to say Yea or Nay on the question. One slight difference of the first section of the bill of rights between the first and second constitutions is noteworthy, as indicating the growth of the sentiment in favor of slavery in the early years of the state. In 1792 it was declared that "all *men* when they form a social compact are equal," while in 1799 the language was that "all *freemen* when they form a social compact are equal." Possibly the advocacy in 1798 of the emancipation of slaves by young Henry Clay, freshly arrived from Virginia, suggested to the friends of the institution the removal of the ambiguity in declaring the equality of all *men*.

It is not within the scope of this chapter to refer to the provisions regulating the relation of master and slave commonly known as the "slave code," as well as many other regulations of slavery, but only a few provisions of a general character. The first constitution contained an article on the subject which was incorporated in those of 1799 and 1849, providing, first, that there should be no emancipation of slaves without compensation to the owner; secondly, that emigrants to the state should have a right to bring slaves with them; thirdly, that laws should be enacted providing for and regulating the manner of emancipation; fourthly, that laws might be passed to prevent slaves being brought to the state for sale; fifthly, also laws to prevent slaves being imported to the state that had been brought from a foreign country since 1789; and sixthly, also laws to secure humane treatment.

Prior to the admission of Kentucky into the Union there was a law of Virginia prohibiting the further importation of slaves into that state except by emigrants, or where citizens of that state derived them by marriage or inheritance under the laws of another state. The penalty for violation of this law was the enfranchisement of the slave imported. In 1833 a similar statute was enacted in Kentucky, differing only in the penalty (a fine of $600) for its violation.

By an act of 1798 it was provided that emancipation could be effected by last will and testament or by a written instrument attested and proved before the county court. The court had power to require bond and sufficient security of the emancipator, or his representative, for the maintenance of aged or infirm or idiot negroes. By the constitution of 1849 the right of emancipation was so modified that neither the legislature nor

the owner could emancipate a slave without providing for his removal from the state.

The punishment of slaves for penal offenses and crimes was limited to death and stripes. For various offenses for which white offenders were confined in the penitentiary the slave was punished at the whipping-post; while as to other crimes by white persons for which the punishment was also penal confinement the slave suffered death. Since white offenders, during the existence of slavery, could be punished with death only in two cases,—murder and certain classes of rape,—the severity of the punishment of a slave can hardly be justified from the humane standpoint of later times. He was put to death not only for murder, manslaughter, rape on a white woman or attempting to commit such crime, as well as for robbery, arson and burglary, but also for conspiring to rebel, for administering poison with intent to cause death, for shooting and wounding a white person and for shooting without wounding.

From an early period in state history advocates for total emancipation spoke out at intervals, but as a rule quickly grew silent. Even so courageous a thinker and speaker as Henry Clay, after advocating emancipation in 1798 and becoming temporarily unpopular thereby, finally abandoned his views on the subject. In 1804 six Baptist ministers of some note in the state, and others less prominent, with many of their members (says Collins, the Kentucky historian), declared for the abolition of slavery, calling themselves "Friends of Humanity," and taking extreme ground; the Baptist associations generally declared it improper for ministers or churches to meddle with the emancipation of slavery, or any other political subject, and advised them not to have anything to do with it in their religious capacity. This action gave great offense and as a consequence the emancipators withdrew and organized the "Baptist Licking-Locust Association Friends of Humanity," which, however (adds Collins), soon died out.

In June, 1845, Cassius M. Clay established the True American newspaper at Lexington, in which he advocated the abolition of slavery in Kentucky. In August following (during the illness of the proprietor) the citizens of Lexington held a public meeting and passed resolutions setting forth the incendiary character of the publication and appointed a committee to pack up the press and printing apparatus and ship it to Cincinnati. This was accordingiy done in the most unexceptionable manner, *all charges and freight being prepaid*, says the narrator of the event. Shortly afterward public meetings were held in other counties of the state approving of the action of the citizens of Lexington in this matter.

The contest for election of delegates to the constitutional convention of 1849 developed wonderful strength in the party favoring emancipation. In April of that year a state convention was held at Frankfort, which recommended that candidates be run in every county favoring two propositions: (1) The absolute prohibition of any more slaves being brought into the state; and (2) the complete power to enforce and perfect under the new constitution, whenever the people desired it, a system of gradual prospective emancipation of slaves. In many counties candidates favoring this "open clause" (as it was called) were voted for, but one only elected, Robert J. Breckenridge (see his biography). Archibald Dixon and Garrett Davis, two eloquent and impetuous speakers, led the

pro-slavery hosts in the convention to an easy victory over their feeble adversaries. Ben Hardin, the Nestor of that body, took delight in stirring up the wrath of the pro-slavery advocates by insisting that the convention had the right to abolish slavery, yet (he would add) he thought the exercise of the power unwise. Public sentiment in the state was intolerant of any law limiting the right of the slaveholders, or in anywise weakening the guaranties for the permanence of the institution. Its advocates argued that it was of divine origin and enjoyed the approval of Deity.

A little over a decade after the convention had done all possible for the protection of slavery by constitutional guaranties, the civil war began. At its close the thirteenth amendment to the federal constitution was adopted, providing that neither slavery nor involuntary servitude except as a punishment for crime, whereof the party shall have been duly convicted, should thereafter exist within the United States or any place subject to its jurisdiction; and thus ended the unhappiest chapter of American history.

The civil war closed the career of the Democratic party as the pro-slavery party in Kentucky as well as elsewhere. For many years every other political party had its soundness on the subject of slavery questioned from time to time. The Democracy was always sound, and while there were friends of slavery in other parties yet among the Democracy it had few enemies. The rise of the Republican party, threatening the stability of slavery, caused a final massing of the pro-slavery forces in 1860. The ultra-slavery wing of the Democratic party in that year nominated John C. Breckenridge, of Kentucky, as its candidate for the presidency. The resolutions of 1798 were the political creed on which rested the doctrine of state's rights, and to that doctrine the friends of slavery in 1860 clung as the best guaranty for its perpetuation. It is not a little remarkable that John Breckenridge, the elder, should, in 1798, have ushered into our politics these famous resolutions, and that his distinguished grandson should have led the last civic battle for their maintenance sixty years later.

This article could well embrace a review of important legislation on the subject of testimony laws; suffrage and elections; exemption and homestead; divorce laws; rights of married women; concealed arms; expatriation and amnesty; lottery in legislation; dueling laws; public education and eleemosynary institutions, all bearing upon the growth and development of our civilization, and which would be both interesting and useful did space permit such enlargement of the subjects; but, in the brief articles that precede, the salient features of the great fundamental questions that were met and solved in the commonwealth are outlined. The student of history and the curious in the devolopment and growth of legal problems can find ample food upon which to satisfy their appetites, in the statute laws and the session acts, that storehouse of statesmen's projects.

Bennett H. Young

THE CONSTITUTIONAL CONVENTION OF 1890.

BY COLONEL BENNETT H. YOUNG.

KENTUCKY has enacted four constitutions during her existence as a commonwealth. The first took effect on the first day of June, 1792, and was declared operative without a submission to the people. The second took effect on the 17th of August, 1799, the first one having been in force for eight years. At the time of the adoption of the constitution in 1792 there were five counties; at the time of the adoption of the constitution in 1799 there were twenty-four counties. The third was adopted in June, 1850, after having been submitted to a vote of the people. The fourth and present one went into effect, by its own terms, after a submission to the vote of the people, and became effective on the 28th day of September, 1891.

The constitution of 1849–50 made many and radical changes in the organic law of the state. The elective was substituted for the appointive system. Slavery was protected by all the safeguards that the ingenuity and ability of the great men of that period could suggest and devise. The state was inhibited from the use of its credit for public improvements. The constitutions of the courts of the state were changed in their form and construction, and representation more equally distributed, and, what was best of all, the common-school system was made part and parcel of the organic law of Kentucky.

This constitution was in force forty years. The wonderful political changes which occurred from 1849–50 to 1890 created great dissatisfaction with the constitution of 1849–50. Railroads and telegraphs had come; slavery had been abolished after an appeal to the sword; new conditions faced the people of the state. Centuries in England had oftentimes been less fruitful of vicissitudes and changes than this forty years in Kentucky's history.

The great Whig party, then dominant in Kentucky and in the United States, had been shattered by the logic of events. The increase of corporate rapacity and the demand on every side for special privileges had disturbed and alarmed the people of the state. The constitution of 1849–50 had no clause by which any of its terms might be changed or repealed. The men whose minds had determined by all legislative safeguards to protect slavery had shut out of the constitution all provisions for amendment and had so hedged about a change in the instrument with elections, and had so hampered these elections by restrictions that it was, politically, practically impossible to have a new convention.

As early as 1867, Governor Stevenson, in his annual message, suggested the propriety of calling a convention to take the sense of the people in regard to the constitution. As the constitution of 1849–50 re-

quired a majority of all the members elected to each house of the general assembly, within the first twenty days of any session, to concur in a general law to take the sense of the people of the commonwealth as to the necessity and expediency of calling a convention; this was then to be submitted, and it would require that a majority of all the people of the state entitled to vote for representatives should vote for calling a convention, and then the next general assembly should again pass a law for the submission to the people of the same question. This being again approved by the people at the polls, then the next general assembly should pass a law calling a convention; it was therefore required that three general assemblies should approve the call and that at two general elections this call should have a majority of all the votes cast for representatives. The legislative difficulties appeared practically insurmountable.

In 1873 an act was passed to take the sense of the people upon calling a convention to revise the constitution. So, again on February 4, 1876, and again in 1878, and again in 1880, and still in 1884 efforts were made to call this convention.

There were those who insisted that under the inherent powers possessed by every people, the voters of Kentucky had the right, through their legislature, to call a convention, but this apparently radical remedy was not enforced. In 1886 another effort was made and through the registration of all the citizens who should vote in August, 1887, a majority was worked out for the calling of the convention.

In 1888, under this system of registration, a majority was obtained in favor of calling the convention. In 1889 a second election was held, and under this system of registration another majority was obtained in favor of the convention; and finally, on the 3d day of May, 1890, the legislature passed an act calling a constitutional convention providing for the election of its members, and requiring this convention to meet on the second Monday of September, 1890, in Frankfort, the capital of the state, for the purpose of re-adopting, amending or changing the constitution.

Under the act thus approved, on the 3d of May, 1890, the delegates, one hundred in number, were elected and met in Frankfort, as provided, on the second Monday in September, 1890.

The political conditions existing in 1890 were not favorable for that calm, dispassionate and unbiased judgment which were necessary in the selection of delegates for so important and so delicate a work, and it was also unfortunate for this period that party nominations were in most of the counties required in the selection of delegates. There were many men in the state who were considered best fitted to do this work, who were unwilling to seek the position of delegates and the election occurring so soon after the law had become effective for the calling of a convention—as only ninety days intervened from the calling of the convention until the election of the delegates—the subject did not receive that attention which would otherwise have been bestowed upon it.

Although the Democratic party was absolutely dominant in the state at that time, a fair sprinkling of Republicans became members of the convention. In some counties there was no opposition to the Republican members because of their acknowledged fitness for the place, and in others there was no opposition to Democratic mem-

bers; but these instances were rare—as rare as they were admirable.

Had one year intervened from the calling of the convention until the election of delegates, it might probably have resulted in securing more men who were widely known; but everybody seemed in a hurry to have the convention assemble. More than seventeen years had passed since the first effort had been made to call such a body together, and those of all shades of political belief acknowledged the necessity of an immediate change in the organic law.

There was only one contest for seats in the convention, and this was finally settled in favor of the contestant; and it was a curious illustration of the perversity of the doctrine of chances, that while less than one-seventh of the members of the convention were Republicans, three of the nine members chosen to report on this contest were Republicans and from the same political party to which Hon. John W. Lewis, the contestant, belonged. It was also creditable that, in making a report on this matter, it was unanimous and was signed by all the members of the committee.

The convention was called to order at twelve o'clock on the 8th of September, 1890, by S. B. Buckner, delegate from Hart county and also then governor of the state of Kentucky. Hon. George Washington, of Campbell, was made temporary chairman; Thomas S. Pettit, temporary secretary; and all the delegates answered to the roll call. Cassius M. Clay, of Bourbon, was elected chairman; Thomas G. Poor, secretary; and James B. Martin, assistant secretary.

Whatever else may have been said of the delegates to this convention, they were all patriotic, and all, while having many and divergent views upon the political problems with which they were to deal, recognized their great responsibility and their important duty to the people of the state in the work for which they had assembled. That the people at large had suffered great and glaring wrongs under the operation of the old constitution, none dared deny; and the members all with one heart and one purpose set about removing, in so far as human legislation could, the injustice and inequality which had existed under the constitution of 1849–50.

Hitherto there had been practically no limit on the legislative will. Counties, districts, parts of counties and parts of towns had been manipulated by legislative action, some controlled by one plan of government and some by another, and in the enactment of laws there was no principle which seemed to rise higher or beyond the will of the member from the particular county or district concerning which legislation was proposed to be enacted. As a result of the extraordinary extent to which legislative courtesy in the shape of allowing any member to pass any law which affected his people only was carried, the general assembly of 1889 was in session one hundred and forty-nine days, and passed local laws which covered, in round numbers, five thousand pages. The state of Kentucky at this time had about fifty times the legislation required to govern Great Britain, about sixty times as much as was required to govern the German empire, and twenty times as much as was required to govern the state of New York, with three and a half times its population.

The convention was in session one hundred and ninety-seven legislative days. This was only forty-eight days longer than the legislature of 1889–90 had been in session, and the debates of the convention covered

only about one thousand more pages than the laws of the legislature of 1889–90 had covered.

One of the difficulties under the system of special legislation had been the increase of counties in the state. Kentucky, with only forty thousand square miles, had more counties than any state in the Union except two. The legislature had managed under any sort of pretext to make a county out of several parts of the old ones, and there was one county in the state of Kentucky that had within its limits less than fifty thousand acres, and several others with not much more area.

The multiplication of county governments had increased not only local but also state expenditure. Provisions were quickly passed under which no new counties could be made unless the need was pressing and vital. Special legislation was practically inhibited. The last legislature which was in session previous to the new constitution, passed laws covering four thousand nine hundred pages. The legislature succeeding that which put into operation the constitution and the term of which was unlimited, passed laws covering seventy pages.

While the state had clamored for a constitutional convention, it did not require very long, under corporate suggestions, for many interests in the state to begin to clamor against the convention. It seemed to be the general idea that the preparation of a constitution was a very small matter and could be managed in a very few days. It was well for the people of Kentucky that the delegates could not be moved by any such demand. The calling of the convention had required seventeen years; after assembling its work was not to be done with haste and reckless speed; the delegates withstood this clamor and took their time.

Called on the 8th of September, the convention did not adjourn until the 11th of April. It re-assembled on the 2d of September and finally adjourned on the 28th, at which time the constitution was signed and declared effective. The returns showed extreme unanimity on the part of the people of the state, as the constitution had been adopted by the unprecedented majority of one hundred and thirty-eight thousand. The new constitution had passed under a scathing fire, but the faithfulness and patriotism of its members had been vindicated by the people. All the members signed the instrument, and while all parts of it did not have the approval of all of the members, yet the instrument represented the mature deliberation as well as the best judgment of the body.

The severest criticisms upon this constitution were in two respects: First, its extreme length. A very cursory examination shows that this complaint was not well founded. Taking out the subjects treated, such as railroads, municipal corporations, and public charities, which were unknown in the constitution of 1849–50, the new constitution was shorter than the old one. It also was briefer than the constitution of Missouri or Maryland, and the average length of the constitutions of Arkansas, Colorado, Nebraska, South Dakota, and Washington,—such states as have more recently adopted fundamental laws. Secondly, it had been urged that there had been an unnecessary waste of time in the preparation of the instrument; but this, too, upon examination was found to be an unjust charge. The last convention of Illinois sat one hundred and fifty-two days, the one in

New York nine months, the one in Ohio two hundred and fifty-three days, in California one hundred and sixty-seven days, and the Pennsylvania convention had been in session for a similar purpose one year.

The great work of this convention may be summarized as follows:

The sharp and effective remedies against special legislation.

The limitation of legislative sessions to sixty days.

The inhibition of any special corporate law.

The uniform regulation of cities and towns.

The abolition and prevention of lotteries.

The substitution of the ballot for *viva-voce* voting.

The removal of frequent elections.

A sensible and reasonable method for the revision or amendment of the constitution.

The prevention of aggression by corporate capital.

Equality in taxation.

Limit of local taxation.

The reduction of grand juries from sixteen to twelve.

Uniform system of courts.

Provisions for the security of title.

The inhibition of local taxation in favor of railroads.

Permanency of the railroad commission.

Safeguards for common-school education and increase of its vested fund.

These were the salient points in the work of the convention. That this work was well done is evinced by the extraordinary majority which the new constitution received when submitted to the people.

The inequalities in the system of taxation practiced in many parts of the state had caused a great outcry against that portion of the old constitution under which such legislation was possible. Burning under this great and increasing wrong, the delegates to the convention, in their efforts to provide a remedy for this unwise legislation, unfortunately removed from municipalities the right to prescribe the methods as well as the subjects of the municipal taxation for municipal purposes. That the convention went too far in this matter is now apparent to all reasonable and just people, but outside of this it is difficult after six years of operation, under the new organic law, to point out any great defects in the new constitution; or with present light and knowledge to suggest any points upon which the representatives of the people of the state in that convention made any grave mistake.

As the business and the conditions surrounding the people of the state adjust themselves to the new organic law, it will be found that the new constitution in most of its provisions is wise and prudent. Instant change from one system to another would of necessity produce some difficulties, but these have been rapidly eliminated, and experience is demonstrating that the constitution of 1891 meets every expectation of fair and just people and that the safeguards and protection which it throws around all interests of all the people are beneficial and satisfactory in the highest degree.

COURT OF APPEALS.

AN HISTORIC OUTLINE FROM THE DATE OF ITS ORGANIZATION, WITH CHARACTER SHETCHES OF ITS JUDGES, REFERENCE TO THE MOST IMPORTANT QUESTIONS HEARD AND DECIDED, AND REMINISCENCES OF ITS BAR.

BY JUDGE R. C. RICHARDSON, OF COVINGTON.

NO systematic and full account of the court of appeals has as yet been compiled. True, we have monographic narratives of many noble lives; reminiscences grave and gay; histories diffuse and voluminous, seldom such in themselves, but as furnishing materials for future history; biographical encyclopædias, which have catered as much to ephemeral popularity as to enduring fame; brief dissertations; pamphlets innumerable, especially during exciting and eventful periods; but never a complete, even though condensed, chronicle of our highest appellate court. It remains a desideratum more urgent because of its obvious importance.

Moreover, the ordinary encyclopædic method, especially when confined to mere biographical sketches and nothing more, is apt to run into fulsome partiality, which is at war with critical discernment. We view from standpoints which are in general inadequate, revealing nothing, where enmity will not discern and over-zealous friendship cannot. But the laurel is not deciduous; the truly great are not only for to-day. The jurists of Kentucky, like the most eminent of her other public men in other walks of life, have a fame which is not only national but cosmopolitan. Our contributions, necessarily brief, must needs be fragmentary and inadequate.

The judicial history of Kentucky up to 1821 (date of the admission of Missouri into the Union) is a judicial history of by far the greater portion of the Mississippi valley. How did the polity of this commonwealth affect other states and territories, notably Indiana, Illinois, and Missouri? How did it frame the measures and guide the men (many of them emigrants from Kentucky) who were then fixing their abodes in a primeval American wilderness? How mold public opinion and give tone to intellectual, moral, and social life during the earlier decades of the present century? These are prolific themes.

The jurisprudence of Kentucky was modeled after that of her parent state; but as soon as she ceased to be a district of Virginia the solution of important questions of title to lands, affecting nearly the whole area of the commonwealth, early claimed attention of the judges. Those questions

1 Jas. H. Hazelrigg.

2 Thomas H. Paynter

3 S. D. Guffy

4 Jno. N. Lewis

5 George McKell

6 James E. White

7 A. R. Burnam

arose from grants, often munificent in amount, made to soldiers of the Revolution. They had been parceled out so inartificially as in many instances to produce almost inextricable confusion in tenure, in possession, and in title. Hence arose that long series of remarkable decisions which gave so much fame to the state. Those decisions have been, and continue to be, quoted approvingly in every western state, and indeed are known and esteemed throughout the Union.

It is but due to the judges of that era to say that they were equal to the task. Several of them were trained land surveyors,—no ordinary accomplishment at the time; and they brought with them to the discharge of their trusts great learning, experience, integrity and ability. From the first the bench of Kentucky compared favorably with that of Virginia. The extraordinary increase of population preceding the year 1792, composed of the very best elements, some of whom had been highly distinguished, contributed not a little to give dignity, tone and strength to the rapidly increasing commonwealth, forming an impregnable bulwark of state power, and vitalizing every department of state government, legislative, executive, and judicial. There was no novitiate indicating an imperfect or dawning civilization here. The district developed itself at once into an enlightened community from the days of the pioneers,—an enlightenment evidenced in nothing more than in the high character and extraordinary attainments of its judiciary.

We do not know whether it is not an historic truth, and a most important one, that Kentucky was the first state (not the second) added to the original American Union. On December 18, 1790, President Washington had urgently recommended to congress the claims of the Trans-Alleghany district, which had for nearly ten years been soliciting admission. The message was favorably received by both houses, and, by February 4, 1791, the act admitting the state of Kentucky into the Union had passed both houses of congress. Fourteen days later Vermont also was admitted into the Union.

The reader will rationally inquire why Kentucky, and not Vermont, was not first in point of enrollment among admitted American commonwealths. We answer that such she virtually was. For nearly ten years she had been making her application; her compact with Virginia, looking toward her separate state action, bore date of 1784; and the act of February 4, 1791, admitted her on the terms of that compact. Vermont, which was encumbered by no delaying conditions, was, by almost a simultaneous act, admitted and received into the Union. But the mere "reception" imparted nothing of validity to the sovereign act of "admission."

As with Vermont, so with Kentucky. Driven as the latter had been almost to the verge of revolution by unwise neglect and frivolous hindrances, surely when the final and supreme act for her benefit made her, on February 4, 1791, an admitted state, nothing further was then needed. The terms of the "compact" were really no terms at all. Nothing remained; nothing was left to be performed; or if such there was it was in itself utterly unnoticeable, useless and nugatory. Time may yet correct what we cannot but deem a grave historical error, and demonstrate Kentucky to have been the first "admitted" American commonwealth.

The first constitution of Kentucky was adopted at Danville, April 19, 1792. It is in some respects an admirable state paper.

In material features, especially in clear and comprehensive distribution of the organic powers of government, it was an improvement on the constitution of the United States, which it resembles, and on the basis of which it was formed. The federal constitution simply indicates the acts which the legislature, executive, and judges have power to perform. Deeper, more philosophical, masterly and profound, the constitution of Kentucky defines and distributes the inalienable powers of free government, and with wise provision ordains that each of these three sovereign powers shall be wielded by "a *separate* body of magistracy." We insert the Kentucky provision:

"The powers of government shall be divided into three distinct departments, each of them to be confided to a separate body of magistracy, to-wit: those which are legislative to one, those which are executive to another, and those which are judiciary to another." Probably this was the conception of George Nicholas, the most eminent member of that convention, and a few years before a member of the celebrated Virginia convention, which ratified the constitution of the United States. It was a conception which embodied the convictions of a people; it was to control public sentiment and make itself audible in that future and momentous judicial revolution which was to occur in Kentucky a number of years subsequently.

But a few months after the adoption of this constitution, the first judges under it were appointed by Isaac Shelby, hero of King's mountain, and first governor of Kentucky, and were Harry Innes, George Muter, Benjamin Sebastian, Caleb Wallace, Thomas Todd, Felix Grundy, Ninian Edwards, Robert Trimble, William Logan and George M. Bibb.

These incumbencies extend over a period of sixteen years, fron 1792 to 1808.

Such were the beginnings of judicial history in Kentucky—not like those of a small stream, waxing to brook and then to river, but deep, clear, and mighty from the fountain source. It is a memorable fact connected with the life history of some of Kentucky's earliest judges that their great and acknowledged talents placed them in demand elsewhere.

Innes was transferred to the United States circuit and district courts of Kentucky; Todd and Trimble to the supreme court of the United States, and seldom did associate justices better adorn that exalted tribunal. Todd was conscientious, upright, strong and independent. On one occasion the court of appeals, composed of no less a bench than Boyle, Mills, and Owsley, adopted his *dissenting* opinion in the supreme court of the United States, practically endorsing that one judge as against the balance of the high court of the nation. The lamented Trimble died comparatively young in years. He had eminent judicial attainments and judicial genius. Chief Justice Marshall regretted his death as a loss to this continent.

A remarkable judicial episode connects itself with the history of this early period. In 1806 George Muter, chief justice of the state, from the encroachments of age had become infirm, both physically and mentally. The tenure of judicial office was then a life tenure. How long in his instance it would last no one knew. Resignation was not intended, and there was no sufficient ground for removal. In this dilemma a remedy was proposed by the party leaders of the

day. Muter was to resign, and an act granting him a competent, but moderate, allowance annually was to be passed. He accepted the proposal, his resignation was sent in, and soon thereafter the pension bill passed the legislature; but, alas! at the next session of the general assembly the law was repealed on the ground that it was "monarchical!" The poor, at one time eminent, magistrate was left to measure out the little remnant of his life in enforced dependence and destitution!

But was the spirit of that law monarchical? The reverse is true. In the loftiest sense of patriotism, where we have a government by the people, of the people and for the people, we take it to have been eminently patriotic and republican. Abraham Lincoln, with all the deep meaning of inspiration, caught that spirit when he presented it in his Gettysburg oration. The state of Kentucky acted faithlessly through its legislature — in vital respects a continuous body — by repealing the Muter pension after it had acquired the force of a contractual obligation. It is interesting to witness the new departures of the present from an obsolete past. The general government of the United States, the most enlightened nationalities of Europe, have done exactly otherwise. Naval and military officers, and leading judges who have dedicated their lives to their country, may discern a hope beyond the present, in protection from their and their constituents' country, even though senility approaches and poverty threatens. Wisdom and patriotism alike prompt such measures, if conducted with wisdom.

The state of Kentucky had, in the beginning decade of the nineteenth century, attained to front ranks in forensic standing among the fifteen American commonwealths. The most distinguished men—who would have given dignity and elevation to any court from Westminster to Washington—composed the bar of the commonwealth. With them perfect knowledge of their profession was often accompanied with classical education, always with more or less proficiency in literature and in art. Hughes, who conducted at his own expense the publication of the first volume of Kentucky Reports, John Allen, the erudite William Littell, Martin D. Hardin, the heroic Joseph Hamilton Daviess, who fell at Tippecanoe, and whose remarkable physical endurance once enabled him to walk to Washington and personally attend to a law case, John McKinley, Humphrey Marshall, the accomplished and caustic historian of Kentucky, Robert Wickliffe, then in the dawn of his great fame as a land lawyer, John Breckinridge, the elder ancestor of an eminent line and attorney general of President Jefferson, were among the number of its advocates and solicitors. There were others who moved among the greatest both in the parliamentary and forensic walks of life.

We question whether there was ever a case of record, developing as luminous and versatile talent as did that of Cunningham versus Caldwell, argued at Frankfort, Kentucky, June 3, 1807. There were four of counsel,—Isham Talbot, Jesse Bledsoe, John Rowan and Henry Clay. Each of the four was to become a member from Kentucky of the senate of the United States.

Chief Justice Felix Grundy, who delivered the opinion of the court in this cause, afterward removed to Tennessee, where he established a widespread, national reputation. When he died it was well said, "A great man had fallen in Israel."

The succession of judges from 1808 to date of the establishment of that extraordinary tribunal, known as the new court of appeals of Kentucky, appointed under proceedings at once unauthorized and revolutionary, January 10, 1825, was as follows: John Boyle and James Clark, prior to 1813, when by act of January 20, 1813, the court was reorganized to consist of three judges—and the following became members of the court in succession: William Owsley, Benjamin Mills and John Rowan.

We enter into an age of greatness, in its virtues and its errors, its victories and defeats, its vast resources and Titanic strength, in its melancholy reverses, in its accomplishment of final and benign results. The close of the war of 1812 and its immediate effects brought disasters to Kentucky which were unexpected and overwhelming. The beautiful state deserved no such return. With characteristic fervor and self-sacrificing devotion she had heard appeal for aid from the beleaguered northwest; and four thousand men, almost simultaneously, passed the boundaries of the Ohio to take part in the sanguinary struggle.

But the war of 1812 entailed its era, of all eras among the darkest, that of financial distress and financial desolation. It caused the bitterest political warfare, without blood, ever known in the history of our own or any other state. Overwhelming financial pressure loaded the people with debt, recklessness was forerunning bankruptcy. In answer to clamorous popular demand, the legislature of Kentucky, at a single session (of 1817–18), chartered forty independent and irresponsible banks, with an aggregate capital of ten million dollars! Those measures, which at the outset augured well, in the end precipitated deeper toward the bottom, an easy descent to the Avernus of financial ruin.

John Adair, the popular governor of Kentucky, was a sterling soldier without the attributes of an eminent civilian. His sympathies were ever with the oppressed, and when the crash came he recommended instant and ultra measures of relief. The legislature stood, by overwhelming majorities, pledged and ready to disencumber the debtor classes. Soon followed the extraordinary relief laws. The power to replevy judgments was extended by statute from three to twelve months. A subsequent law extended the time to two years. It was to demonstrate, however, in Kentucky, and in America, that all legislative powers were circumscribed and limited by those great charters from the sovereign people which we term our constitutions or organic laws.

Reference has been already made to the eminent George Nicholas. In 1788, when a member of the Virginia convention, he had silenced the batteries of Kentucky rebels (for Kentucky had them thus early) and driven them from their positions of separate and traitorous state action. Next year he removed permanently to the new district. When he so materially aided in framing the constitution of 1792, it was with prescient sagacity that he saw over the horizons of thirty coming years what was to vindicate his wisdom and test the excellence of his work. The constitutionality of the relief laws was soon to be made a subject matter of judicial investigation. In a test case which came up before him that very able, honest and fearless circuit judge, James Clark, of Winchester, held that those laws were in direct violation of both the state and national constitutions. This decision at once brought down upon his head the

indignation of the dominant party. He was cited before the judgment bar of the general assembly. A special session was called and strenuous efforts were made to remove him. There was a muttering of discontent from the Big Sandy to the Mississippi. This refractory spirit of an inferior judiciary needs a curb, said the dominant majority. With intense interest, not unmingled with a spirit of mob violence, the cases were watched from the circuit to the appellate court.

A crisis was precipitated with the hearing of those memorable causes—Blair versus Williams, heard October 8, and Lapsley versus Brashears, October 11, 1823. Boyle, Mills and Owsley were on the bench,—names so often referred to as constituting the brightest judicial triumvirate in our Kentucky history. The three judges delivered separate opinions, each concurring, and each sternly rebuking legislative innovations by pronouncing them unconstitutional.

It would be difficult to portray the wild spirit of frenzied excitement which this sublimity in our judicial history evoked from the vasty depths of human wrath and disappointment. The judges were immediately impeached, but there was not the two-thirds constitutional power to remove them. The ingenuity of the relentless, preponderant but defeated majority would permit no pausing, no half-way measures. A legislative subterfuge was required to mine the judicial fortress which they could not carry by assault. Political invention devised a new remedy whereby human statute might purge the general weal—in other words, how that power of government called the legislative might, with some show of plausibility, obliterate another and co-ordinate power denominated the judiciary. Such a course, which would be deemed insanity now, was regarded as higher rationalism then, so erratic is state policy when it has once drifted from its moorings into the tide of anarchy and revolution. A sweeping and revolutionary bill, nominally to "reorganize the court of appeals," really to subvert it, was introduced and passed both houses of the general assembly. It created a new body of supreme judicial magistracy, overthrowing the old one. Boyle, Mills and Owsley stood calm and immovable throughout the storm.

Under and by virtue only of this all-arrogant act of legislation, and this new life of reform, the Honorable William Taylor Barry, an orator second only in power and popularity to Henry Clay, was appointed and qualified chief justice of Kentucky; James Haggin, an eccentric but powerful advocate, second judge; John Trimble, a man, in the main, of estimable qualifications, third judge; and Rezin Davidge, a known lawyer and jurist, fourth judge. Their first decision bears date April 19, 1825; their last, October 28, 1825. Francis P. Blair was clerk of the new court. He took forcible possession of the records of Achilles Sneed, the old clerk, and only the prudence of the latter averted a collision which would have ended in a torrent of blood. It was the Dartmouth College case rehearsed on an ampler theater. Of course the old court, denying the constitutionality of the new one, still continued to sit in its allotted chambers at the capitol. The time presented its most striking anomaly; no other American commonwealth has ever repeated it: two rival supreme courts in separate and conflicting session!

After Fort Sumter received its first installment of shot and shell from the broadsides of Confederate batteries, the era of com-

promise passed. Opposing forces met for defeat or victory. It was so here. An incident may portray the deep feelings of that hour more than a hundred homilies. A conference of the Old-Court judges was held in their chambers, where their most distinguished friends attended. Henry Clay (from his patriotism and character an Old-Court man, as might have been expected) was there on invitation, and came forward with the olive. Instantly Chief Justice Boyle sprang to his feet, exclaiming with an oath which even the most orthodox Christian could pardon: "By ———, sir, I am astonished that one of your known eminence should extend a conciliation which will amount to a surrender." "No more of that, Hal, as thou lovest me." Away into the thin air went all future overtures of frendly adjustment.

Litigants were at liberty to carry their causes to either old or new court; but a great majority went to the old. A greater majority of bench and bar—lawyers and circuit judges — went thither also, as if no reorganizing act had ever passed: a few to the recently organized tribunal.

This tension, straining nerve and muscle, could not continue. The people (it is the consolation of those who have faith in God and humanity that they are ever right in the end) were again appealed to. Battle cries of "Relief and Liberty,"—but liberty within the bounds of law divine and human,—"Old Court and New Court" rent the air, laden with aerial forces. Under such wielded activities began the canvass of 1825. Let us take a brief survey of the field, and of the men leading those decisive and mighty movements, first of the New Court party, then of the Old.

Ex-Chief Justice George M. Bibb was the Ahithophel of the revolutionary movement. He brought his logic and great learning, not unaccompanied with his disingenuousness, his speciousness, and his subtlety. With him stood John Rowan and William Taylor Barry. Then Haggin, Davidge, John Trimble and Frank Blair, the elder, and many more. But of the entire galaxy we would select as unequaled the luminous, logical, clear-headed and gifted Solomon P. Sharp. His father had been a humble soldier of the Revolution. Altogether he had risen by his own efforts and maintained himself by his own genius. The New Court party had no doughtier champion,—perhaps not one by many degrees so active or so formidable.

But the great abilities and integrity of the Old Court judges, and their efforts in behalf of inflexible principle, were warmly seconded and espoused. Robert Wickliffe, connected back through the long ages with the great English reformer, was a man of the same ilk. His shoulders were Atlantean in bearing the burdens of the side which he supported. Robert J. Breckinridge, afterward to become so eminent as a divine, was then a young and active Old Court member of the legislature from Fayette. Nearly every circuit court judge of the commonwealth was with the Old Court. Henry Clay was so engrossed elsewhere as not to lend the full strength of his herculean efforts to it; but all knew, and all felt, he was with it. A preponderating majority of the Kentucky bar were with it. George Robertson, the world-known jurist of a coming day, contributed his greatest efforts to check the preposterous folly and madness of the hour. The political clouds were yet heavy; but there were silver linings to them. The elections of 1825 disenthralled the constitution

of Kentucky and the old court. But the lately dominant party was yet defiant. Sunday night, preceding the Monday when the legislature was to meet, its leaders were at the residence of Colonel Solomon P. Sharp, arranging for his election as speaker of the house. With daylight came the stunning and mournful announcement that at 12 P. M. he had fallen, stabbed to the heart by the knife of an assassin, and with the death of Solomon P. Sharp died the fortunes of the New Court party.

This important legislative session showed that the house had been won to the Old Court party while the senate yet remained committed to the declining fortunes of the New Court. The canvass of 1826 saw both parties arrayed for a final struggle. Again and overwhelmingly the party of the constitution triumphed. Nothing now remained but by solemn enactment to repeal the obnoxious reorganizing statute. The "act to remove the unconstitutional objections which have been thrown in the way of the court of appeals" passed, in spite of the governor's objections, December 30, 1826. In its terms, this remarkable repeal is brief, calm, elevated and terse. It declares all controvening legislation to be utterly null and void; it devotedly adheres to a pre-existing and honored system which anarchy and "mobocracy" had endeavored in vain to expunge; it restored ancient landmarks with the power of final restoration.

Morally the effects of this protracted and vast struggle have been and are immense. They bloomed at the outbreak of the war of 1861; they bloom now in 1896, with evergreen verdure; and we pay no small but a truthful tribute to an age of greatness, now threescore and ten years ago passed away, to say that it fixed the destinies of Kentucky among those of the American Union states forever; it fixed the destinies of the inheritors from that age, of their children and children's children, to be as deathless as the principles which were then vindicated and maintained. It is this which has made the judiciary—the appellate court of Kentucky—a power which is to renew its life until nature reaches the crash (if such a thing is to be) of planetary dissolution.

Following the chronological order we have adopted we proceed. On the resignation of Judge Boyle, at the January term of 1827, George M. Bibb was again appointed and confirmed as chief justice of Kentucky. On his election to the United States senate he resigned and the office of chief justice then became and remained for two years vacant.

The following were appointed to the appellate bench in the order named, covering the names of those who were judges of the court up to 1850: George Robertson, Joseph R. Underwood, Richard A. Buckner, Samuel S. Nicholas, Ephraim M. Ewing, Thomas A. Marshall, Daniel Breck, James Simpson and Asher W. Graham. Up to this time the judges had been appointees of the governor and confirmed by the senate. With the year 1850 began the system, ever since continued, of an universally elective judiciary.

We have followed the fortunes of the Kentucky court of appeals from 1792 to 1850, a period of fifty-eight years. Not in the least did the constitution of 1799, principally the work of John Breckinridge, change its character, its lofty altitude or its structure. We have traced from beginning to terminus the history of that momentous struggle between the old and new courts.

Kentucky's judicial history then was a reflex and a mirror of the history of America. Time has brought us to the third Kentucky constitution of 1850, which made everything subserve the direct sovereignty of the people and popular elections.

At the first election held for appellate judges, in May, 1851, the following incumbents were chosen: James Simpson, Elijah Hise, Thomas A. Marshall and B. Mills Crenshaw.

No office of chief justice of Kentucky was established by the third constitution. The person having the shortest term to serve—and the length of such term was determined by allotment—was at once qualified as chief justice of the commonwealth, the person having the next shortest term next succeeding him. Dignities were equally balanced, and the high elective offices were virtually the same.

From the organization of the appellate court under the new constitution of 1850, the following distinguished jurists have served as members of the court: James Simpson, Elijah Hise, Thomas A. Marshall, B. Mills Crenshaw, Henry J. Stites, Alvin Duvall, Zachariah Wheat, Henry C. Wood, Belvard J. Peters, Joshua F. Bullitt, Rufus K. Williams, George Robertson, William Sampson, Mordecai R. Hardin, William Lindsay, William S. Pryor, Martin H. Cofer, John M. Elliott, Thomas H. Hines, Thomas F. Hargis, Joseph H. Lewis, William H. Holt, Caswell Bennett, Isaac M. Quigley, James H. Hazelrigg, John R. Grace, George B. Eastin, Thomas H. Paynter, B. L. D. Guffy, George Du Relle, Joseph I. Landes, James D. White and A. R. Burnam.

The present and fourth constitution of Kentucky went into effect January 1, 1891, having been adopted by an overwhelming majority. Under this constitution then we may expect a further and nobler development of that Kentucky judicial system which, beginning so successfully in 1792, was matured and perfected through long years of toil, and still presents our state in the line of advance with all other American commonwealths. The appended list of her jurists for nearly fifty years may be contemplated with pride, as in all respects like that honored list which immediately preceded it. To the names of Todd and Trimble, of Boyle and Bibb, of Robertson, Mills and Ewing, we may add those of Hise and Duvall, Stites and Cofer, Pryor, Lewis, Holt and Bullitt. Doubtless the era of the Old and New Court war, and and of the fall of its Troy, was the Iliad of Kentucky judicial history. We have commented at some length on those memorable epochs. But are all human events, and all humanitarian progress, only an Iliad? Time, which replaces as well as destroys, restores as well as demolishes, has something newer and better in store with unexpected revelation through the future ages.

Connected with this latter judicial narrative of the Kentucky appellate court, during forty-six years, are the names of men on the bench which are not likely soon to be forgotten. So clear in his convictions was Chief Justice James Simpson, so accurately learned, that with him error appeared an impossibility. It is said that while he was circuit judge—and he administered justice in that subordinate forum for years—not one decision of his was ever reversed. Chief among his appellate decisions was the court's final settlement of the twenty-one years' requirement for naturalization, whereby the old Native American or Know-Nothing party sustained its death blow. Honorable Elijah

Hise was a man of native, nevertheless almost superhuman logic, powerful and invulnerable. His elaborate and celebrated dissenting opinion in Slack versus The Maysville & Lexington Railroad Company at once gave him a national reputation, which, having attained, he never lost. The friends of a liberal freedom, the enemies of chartered monopoly (which threatens to-day more than ever), rallied round him, and that "dissent" became the basis of subsequent leading decisions and authoritative law. Honorable Martin H. Cofer, at one time in his life a colonel in the Confederate army, voiced an initiatory, and now uncontradicted, conviction of justice when he held that negro testimony was admissible in all the Kentucky courts.

Our readers will remember the celebrated Alabama case, and the award by international conference of fifteen million dollars to the United States. The leading points on which that whole controversy turned had been long before settled and adjudged in the court of appeals of Kentucky. It were easy to swell the list by citation of celebrated cases at once new, comprehensive and profound. The characteristics of the late Judge Alvin Duvall were those of plain and unadorned strength, lucidity and directness. Honorable Joshua F. Bullitt, during the short time he was on the appellate bench and chief justice of Kentucky, attained great and merited distinction. It is to be deeply regretted that the connection was legally (was it rightfully?) severed. Kentucky has been deservedly commended for her determined conservatism and protection of her highest magistracy. Such panoply was not extended then. A subsequent legislative repeal of an indefensible removal amounted to an aggravation of the offense.

The bar of Kentucky has kept in the channel of its old renown. It would be easy to select bright and shining examples, hard to narrate, even at elaborate length, without unintentional omission. Death beatifies; but not until death comes the canonization. Even in the ashes of departed greatness live its wonted fires,—those of the two Governors Morehead, the faithful Robert P. Letcher, the learned and indefatigable Madison C. Johnson, the incorruptible George Robertson McKee, the courtly John W. Stevenson, the inflexible Guthrie, the laborious Harlan, the highly endowed Preston S. Loughborough, the once potent Robert and Charles A. Wickliffe, the brave and eloquent Ben Hardin, the classic Thomas F. Marshall, the intrepid William H. Wadsworth, the inimitable John B. Huston, the diligent Garrett Davis, that thorough type of a Kentuckian, John J. Crittenden, the erudite Ballard, the logical Humphrey Marshall, the courtly John C. Breckinridge, and another, who died of quick consumption in the morn of life more than fifty years since, that living wonder of his day, Richard H. Menefee. Henry Clay said of him when he fell, "Menefee is such a man as appears only here and there in the course of a century."

With Louisville for the center of a commercial and intellectual influence, second only to that of Cincinnati, and in many respects the noblest city of the Ohio valley, with Lexington, Covington, Newport, Frankfort, Danville, Paducah, Bowling Green, the state has many indices pointing forward to the future.

In its spirit and essence jurisprudence is an entity and an eternity. The world has it, our national union has it, our American commonwealths have it, and will have it forever. Nothing dries or dwindles that un-

failing stream once begun. It is a characteristic of the most enlightened modern civilization of existing states, especially those that are American, that it has no youth to lose, or at least ever renews its youth. Pure at the summit, whatever may occur beneath in feverish strivings for power and emolument, in thirst for gold, in defiance to rule or bound; in oppression, in religion, in humanity, force and fraud, an undimmed, eternal justice is above all these, and never in the end eclipsed or clouded by them, like the tall cliff, so felicitously depicted by Goldsmith:

"Though round its base the rolling clouds are spread,
Eternal sunshine settles on its head."

JOSEPH H. LEWIS, chief justice of the Kentucky court of appeals, was born in the southern part of Barren county, Kentucky, October 29, 1824, and is a representative of one of the early families of the state. His father was in good circumstances and he was provided with liberal educational advantages. He attended Center College, of Danville, where he was graduated in 1843, at the age of nineteen years. He read law in the office of Judge C. C. Tompkins and was duly admitted to the bar in Glasgow, Kentucky, 1845. He at once entered upon the practice of his chosen profession there. Nature bountifully endowed him with the peculiar qualifications that combine to make a successful lawyer. Patiently persevering; possessed of an analytical mind, and one that is readily receptive and retentive of the fundamental principles and intricacies of the law; gifted with a spirit of devotion to wearisome details; quick to comprehend the most subtle problems and logical in his conclusions; fearless in the advocacy of any cause that he may espouse, and the soul of honor and integrity, few men have been more richly gifted for the achievement of success in the arduous, difficult profession of the law.

Hardly had Judge Lewis entered upon his legal career and become established in a fair and growing practice when he was honored by his fellow-citizens by a call to public office, being elected in 1845, on the Whig ticket, to represent his district in the state legislature. In 1851 he was re-elected, and again in 1853, and took an active part in the important work of the sessions. He continued to act with the Whig party until the time of the Know-nothing excitement, when he identified himself with the Democracy. In 1857 he was nominated by his party for congress, but was defeated by W. L. Underwood, of Warren county, at that time the representative from the district. In 1861 he was again a candidate for congress and was defeated by Henry Grider, of Bowling Green, Kentucky, who represented the Union element of the state, while Mr. Lewis was the representative of those whose sympathies were with the south.

In September, 1861, Mr. Lewis volunteered his services in the Confederate army, and was commissioned colonel of the Sixth regiment of Kentucky infantry. While leading his command in the battle of Shiloh he had two horses killed and one wounded under him. He participated with his regiment in the battles of Corinth, Stone River, Jackson and Chickamauga, and on the 30th of September, 1863, was commissioned brigadier general, and took command of the famous "Orphans' Brigade." He was a brave and fearless soldier, and inspired his men with the courage and daring which made his brigade so famous. The march to Savannah, into South Carolina, the opera-

tions before Sumter and the surrender at Washington Court House, were events with which his name is inseparably connected in the military annals of the country.

At the close of the war Judge Lewis returned to his home and resumed the practice of law in Glasgow. He was re-elected to the legislature in 1868, and was made chairman of the committee on education. In 1870 he was elected to congress to fill a vacancy, and a year later, at the next general election, he was chosen for a full term and served for three years—1870–3. In 1880 he was elected circuit judge of his district, but resigned this position to become a candidate for judge of the court of appeals, to which he was elected to fill out the unexpired term of Judge M. H. Cofer, deceased. He has been twice re-elected and has served on the appellate bench continuously for fourteen years, one of the most distinguished members of the court of last resort, and as chief justice in 1882, again in 1888, and now, in 1897, for a third time.

A man of unimpeachable character, of unusual intellectual endowments, with a thorough understanding of the law, patience, urbanity and industry, Judge Lewis took to the bench the very highest qualifications for this most responsible office in the system of the state government; and his record as a judge has been in harmony with his record as a man and lawyer, distinguished by unswerving integrity and a masterful grasp of every problem that has presented itself for solution.

JAMES H. HAZELRIGG, of Mount Sterling, on whom has been conferred the highest elective judicial honors within the gift of the people of Kentucky, is a peer of the able members of the court of appeals in this present year, 1897. He represents one of Kentucky's oldest and most honored families, and with a mind well stored with legal lore and a character above reproach he has added new dignity to the family name.

Born in Montgomery county, Kentucky, December 6, 1848, he is a son of George and Elizabeth (Greene) Hazelrigg. His ancestral history is one of close connection with the events of the rule of the "great commoner" of England, and the line of descent can be traced back to Oliver Cromwell, one of whose daughters became the wife of Lord Cleveland. His grandson Charles became the father of Annie Cleveland, wife of John Hazelrigg, a native of Virginia, who founded the family in Kentucky in 1787. His son, Dillard Hazelrigg, the grandfather of the Judge, was born in Bourbon county, Kentucky, and in 1834 removed to Montgomery county, where he engaged in farming until his death in 1871, in the seventy-second year of his age. He was a prominent churchman, holding membership in the Christian church, and took some interest in politics, voting the Whig ticket until the war, when he became a Democrat. George Hazelrigg was born in Clark county, and in later years was a prominent and successful farmer of Montgomery county, where he died in February, 1874, at the age of fifty-four years. He was a leading member of the Christian church, and supported the Whig party until the war, when he affiliated with the Union party and later voted the Republican ticket. His wife was a native of Montgomery county and died there at the early age of twenty-three.

Until fifteen years of age Judge Hazelrigg remained on his maternal grandfather's farm and during that period attended the

district schools through the winter months. He was one of the boy soldiers of the civil war. When a youth of only sixteen he joined the Confederate army as a private of Company D, Captain Bedford's company, of E. E. Clay's battalion, and served in the ranks until the surrender of his regiment at Mount Sterling in May, 1865.

In 1867 Judge Hazelrigg became a student in the Kentucky University in Lexington and was graduated in that institution in the class of 1871. Returning to Mt. Sterling, he entered the office of Apperson & Reid as a law student and was admitted to the bar in 1873. The following year he was elected city attorney of Mt. Sterling and held that office until 1882, when he was elected county judge for a four years' term. In 1892 he was nominated by the Democratic party for the office of judge of the court of appeals, and after a spirited contest in opposition to ex-Chief Justice Holt, the nominee of the Republicans, he was elected in November, of the same year. Judge Hazelrigg is a stanch Democrat, having always taken an active interest in the success of his party, and having been for many years chairman of the Montgomery county executive committee.

In 1872 Judge Hazelrigg married Mattie Laudeman, daughter of James H. Laudeman, of Lexington, and this union has been blessed with four daughters and one son: May H., wife of Courtland Chenault, of Montgomery county; Elizabeth G.; Emily D.; Dyke L.; and Hattie A., the last named dying in infancy.

The Judge is a member of the Christian church and a gentleman of pleasing and courteous manners. He has now been a member of the court of appeals for four years and has fully demonstrated his ability to handle the intricate problems which are presented to this court of last resort. The legal profession demands a high order of ability, and the judiciary requires not only ability but a rare combination of talent, learning, tact, patience and industry. The successful lawyer and the competent judge must be a man of well balanced intellect, thoroughly familiar with the law and practice, of comprehensive general information, possessed of an analytical mind and a self-control that will enable him to lose his individuality, his personal feelings, his prejudices and his peculiarities of disposition in the dignity, impartiality, and equity of the office to which life, property, right and liberty must look for protection. Possessing these qualifications, Judge Hazelrigg justly merits the high honor which was conferred upon him by his election to the court of appeals.

THOMAS H. PAYNTER, associate judge of the court of appeals, was born in Lewis county, this state, on the 9th of December, 1851. His elementary education acquired in the common schools of that county, was supplemented by study in Jacob Rand's Academy and a course in Center College, of Danville, Kentucky. His preparation for the bar was thorough and accurate and his success in the practice of his profession was marked and immediate. He was admitted to the bar in 1873, and at once established an office in Greenup, Kentucky, where he soon secured a large clientage. He made his home there until his elevation to the bench of the court of appeals, and in the meantime was honored by official preferment at the hands of his fellow townsmen. He was appointed attorney for Greenup county in 1876, serving in that

capacity under appointment until August, 1878, when he was elected to the same office, discharging the duties thereof until 1882. On the Democratic ticket he was elected to the Fifty-first congress and was twice re-elected to that position, where he served most acceptably. His congressional record, 1889–1895, showed that he gave careful thought and earnest consideration to the issues before that august assemblage, and his opinions were the result of quiet deliberation.

In 1894 Judge Paynter was elected to the court of appeals bench. Few men of his age have served in the court of appeals; but though a young man his decisions indicate strong mentality, careful analysis, a thorough knowledge of law and an unbiased judgment. The judge on the bench fails more frequently, perhaps, from a deficiency in that broad-mindedness which not only comprehends the details of a situation quickly and that insures a complete self-control under even the most exasperating conditions than from any other cause ; and the judge who makes a success in the discharge of his multitudinous delicate duties is a man of well-rounded character, finely-balanced mind and of splendid intellectual attainments. That Judge Paynter is regarded as such a jurist is a uniformly accepted fact.

BAYLESS L. D. GUFFY, of Frankfort, associate justice of the court of appeals, was born in Muhlenburg county, Kentucky, December 24, 1832, but was reared in Logan county. His father, James Guffy, was a native of Pennsylvania, and with his parents came to Kentucky about 1798, the family locating in Logan county, among the pioneer settlers. The ancestry is Scotch-Irish, and the grandfather, Alexander Guffy, was a Revolutionary soldier. James Guffy was a farmer and school-teacher, and married Malinda Jameson, of the Virginia family of that name.

Judge Guffy obtained his early education in the schools of Logan county and supplemented it by a course in Urania College, of Glasgow, Kentucky. He studied law with Judge J. J. Harrison, of Hartford, Kentucky, where he was admitted to the bar in September, 1856, after which he began practice in Morgantown. With the exception of a short period spent in Lincoln, Nebraska, he remained a member of the Morgantown bar until 1894, when he was elected to the bench of the court of appeals. His practice was extensive and of an important character. He was remarkable among lawyers for the wide research and provident care with which he prepared his cases. At no time has his reading ever been confined to the limitation of the questions at issue; it has gone beyond and compassed every contingency and provided not alone for the expected, but for the unexpected, which happens in the courts quite as frequently as out of them.

Mr. Guffy was appointed assistant assessor of Butler county, and served as police judge of Morgantown; in 1860 he was United States deputy marshal and took the census of the county; in 1862 he was elected county judge and re-elected in 1866, again in 1878 and 1882, serving in all for sixteen years. In 1868 he was the Republican nominee of the second congressional district for the position of elector on the Grant and Colfax ticket. In 1891 he was the nominee of the People's party for attorney general of Kentucky, and in 1894 was the Republican can-

didate for the appellate court, his opponent for the nomination being Hon. John Feland, of Owensboro, Kentucky. The nominee of the Democratic party was Judge W. L. Reeves, of Elkton. Although the usual Democratic majority of the district is thirty-seven hundred, Judge Guffy won the election by a vote of fourteen hundred, and is now a member of the highest court of Kentucky. His logical grasp of facts and principles and of the law applicable to them has been another potent element in his success, and a remarkable clearness of expression, an adequate and precise diction which enables him to make others understand not only the salient points of his argument or decision, but his every fine gradation of meaning, may be accounted one of his most conspicuous gifts and accomplishments.

In *ante-bellum* days Judge Guffy was a Democrat, but during the war was a Unionist, and for some time afterward affiliated with the Republican party. In 1878 and 1882 he was elected county judge on the Greenback ticket, and has labored for the progressive interests of the People's party, wherein he has believed its measures best calculated for the common good. In 1894 he was nominated on the Republican ticket, although he is a firm believer in the free and unlimited coinage of silver. His identification with the various parties is indicative of the character of the man, who fearlessly advances his views and gives to his honest convictions his unwavering support, without regard to the effect it may have upon his personal popularity and chances for office; and this very quality has made him "trusted and honored by every party with which he has been connected."

Judge Guffy is very happy in his home relations. He married Miss Mahala A., daughter of Andrew B. and Alice (Harris) Monroe, of Ohio county. Her father was a cousin of Hon. T. B. Monroe, judge of the United States district court, and her grandfather, Justinian Harris, was the first sheriff of Ohio county. The Judge and his wife have six daughters and three sons, the latter all practicing lawyers. Estill D. is now assistant secretary of state; Speed is a member of the Morgantown bar, and Bayless L. was admitted to the bar in Frankfort by the court of appeals in 1896. The Judge is a worthy Christian gentleman, who since 1848 has been an active member of the Methodist Episcopal church, an able lawyer, and a judge of unquestioned probity and uprightness.

GEORGE DU RELLE, associate judge of the court of appeals, was born in the town of York, Livingston county, New York, October 18, 1852. His paternal and maternal ancestry were New England people, and many of them achieved marked distinction during the colonial era and at a later period of our country's history. The Du Relle family was probably founded in America by French Huguenots. His father, Dr. George O. J. Du Relle, was a native of New Hampshire and attended both Bowdoin and Dartmouth colleges. Completing the course of medicine and surgery in the latter, he was graduated in 1838, and through the remainder of his life practiced in Livingston county, New York, where he won a high reputation especially for his skill in surgery. He died in 1853, at the comparatively early age of forty years and when in the enjoyment of a most successful career. His wife bore the maiden name of Frances Mary Peirce. She was born in

Livingston county, New York, in 1831, was educated in private schools in Rochester, New York, and now makes her home in Louisville. Her second husband was Professor S. B. Barton, at one time of Center College, and well known as a teacher of Danville and Louisville. She was descended from the Pitkin family, that has furnished many illustrious men to the nation including William Pitkin, the founder of the family in America, who was appointed by the king attorney general of Connecticut, Chief Justice William Pitkin, Colonel Joseph Pitkin, of the Crown Point expedition, and Captain Richard Pitkin, of the Revolutionary army.

In 1859 Professor Barton removed with his family to Louisville and thus Judge Du Relle became a resident of the city when a lad of seven years. He acquired his early education under the direction of his stepfather in Louisville and at the Walnut Hill school, near Lexington, later attended school in Elizabeth, New Jersey, and in 1868 was graduated at the Hopkins grammar school in New Haven, Connecticut, with one exception the oldest school in the United States. As a member of the class of 1872 he entered Yale College, but at the end of the sophomore year returned to Louisville, where for a short time he was employed in a clerical capacity. He then engaged in teaching in the sixth ward school and devoted his evenings to the study, after which he attended a full course of lectures in the law department of the University of Louisville, where he was graduated in 1874.

Judge Du Relle was immediately admitted to the bar and began practice. The man who builds for a lifetime builds slowly and well. His advancement is usually by fixed degrees. He makes each forward step with a care that conduces to both safety and progress, and depends not upon fortuitous circumstances, but upon honest, hard work. Among Louisville's many carefully trained lawyers there is none who more willingly acknowledges his indebtedness for advancement to faithful labor, and to lessons learned in the school of experience than Judge Du Relle. After practicing for a time alone he formed a partnership with H. C. Brannin, and practiced successfully in the courts of Louisville, impressing himself on the bar as a lawyer of fine attainments and admirable adaptability to his profession. In 1882 he was appointed assistant United States district attorney for Kentucky, in which capacity he served until June 8, 1886, when he resigned. In 1889 he was re-appointed to the same position under the administration of President Benjamin Harrison and served until 1891, when he again resigned in order to give his attention to his private practice.

Judge Du Relle's practice in the federal courts evidenced his fitness for the exercise of judicial functions, and he was frequently designated to act as special master commissioner in the hearing of important railroad and other cases of corporate litigation. In the important contested election case of Doyle vs. Toney, he appeared as counsel for Honorable St. John Boyle. The suit resulted in favor of Judge Sterling B. Toney, but under such circumstances that he declined his seat on the appellate bench. Major George B. Eastin was then appointed to fill the vacancy, and at the regular election became the Democratic candidate for the office. Mr. Du Relle, whose conduct of the contested election case won him high honor and distinction, was made the candidate of the Republican party and Judge John G.

Simrall became an independent candidate. The result of the election showed that the Republican was chosen by the handsome majority of more than thirteen hundred votes over both opponents, and in the beginning of 1896 he took his place upon the bench. His legal learning, his analytical mind, the readiness with which he grasps the points in an argument,—all combine to make him one of the most capable jurists that has ever graced the court of last resort, and the public and the profession acknowledge him the peer of any member of the appellate court.

On the 3d of June, 1886, the Judge wedded Miss Louise Leib, daughter of Fred Leib, of Louisville. Her death occurred November 23, 1895, and two children, Frederic and Louise Marie, were left to share with the husband and father his great loss. Earnest effort, close application and the exercise of his native talents have won Judge Du Relle prestige as a Kentucky lawyer—a fact which is highly complimentary, for no bar has numbered more eminent and prominent men.

JAMES DEMPSEY WHITE, associate judge of the court of appeals, was born in Hickman county, Kentucky, about 1833. His father, Rev. Willis White, was a native of Halifax county, North Carolina, and with his parents removed to this state about 1810. His life was devoted to the work of the ministry and he was identified with the Baptist denomination. His wife, Mrs. Mary White, was a daughter of Colonel Enoch Wright, of east Tennessee.

Judge White obtained his elementary education in Ballard county and further pursued his studies in Clinton Seminary, of Hickman county. He studied law under the direction of J. M. Bigger, of Blandville, Ballard county, was admitted to the bar at that place in 1853, and at once began practice. His success came soon, because his equipment was good, he having been a close and earnest student of the fundamental principles of the science of jurisprudence. Along with those qualities indispensable to the lawyer—a keen, rapid, logical mind, plus the business sense, and a ready capacity for earnest labor—he brought to the starting point of his legal career certain rare gifts,—eloquence of language and a strong personality.

In 1858 he was elected county attorney of Ballard county, serving two years. In 1870 he was elevated to the bench of the common-pleas division of the first judicial district and filled that office for nine consecutive years, rendering decisions that won the admiration of the bar on account of their clearness and correct application and the approval of the public by reason of their strict justice. Few men have shown less bias on the bench, and he left the office as he had entered it with the good will and confidence of the public and the profession. In 1880 he was the Democratic nominee for elector on the Hancock ticket and in the electoral college cast his ballot for the chosen standard-bearer of the Democracy. In November, 1896, he was the nominee of his party for judge of the court of appeals for the first appellate district. His opponent was Judge Joseph I. Landes, of Hopkinsville, who was appointed to fill the vacancy caused by the death of Judge John R. Grace. The elections showed that he was the choice of the people for the office, and on the 1st of December he took his seat upon the bench. An excellent presence, an earnest manner, marked strength of character, a thorough

grasp of the law, and the ability to accurately supply its principles, made him an effective and successful advocate and will insure him equal rank with the other distinguished members of the court of appeals.

The Judge had been twice married. In 1860 he wedded Miss Mary E. Coil, daughter of Adam Coil, of Ballard county. She died in 1875 and the Judge afterward married Mrs. Mary A. Utterback, daughter of Thomas J. Jewett, of Carlisle county. She is a member of the Baptist church, and the Judge also is a firm believer in its doctrines. The family includes W. T. and W. J. White, the former a lawyer of Wickliffe, and the other of Bardwell, Kentucky; a married daughter; and a son who has not yet attained his majority. Mr. White is a Mason of the Knight Templar degree, holding membership in Paducah Commandery. He also belongs to the Independent Order of Odd Fellows, the Knights and Ladies of Honor, and is a member of the Order of United Workmen. His nature is kindly, his temperament jovial and genial, and his manner courteous. He is a most companionable gentleman; but when on the bench his attitude at once indicates the studious, earnest and scholarly judge, whose course fully upholds the majesty of the law.

ANTHONY ROLLINS BURNAM, who in January, 1897, became a member of the court of appeals, is a representative of one of the Kentucky pioneer families that was prominent in the founding of the commonwealth. He was born in Richmond, October 10, 1846, and is a son of Hon. Curtis F. Burnam, now the oldest as well as one of the most distinguished and honored members of the Madison county bar. On the paternal side he is connected with the prominent families of Burnam and Weed, many of whose members, in Virginia, Kentucky and Missouri, have high and honorable positions. On the maternal side the Judge is connected with the Rollins, Rodes and other families of equal note.

Judge Burnam spent his boyhood days in his parents' home, and his early educational privileges were supplemented by a course of study in Greencastle, Indiana. Choosing the legal profession as the field of his life work he studied law, and in March, 1869, after his admission to the bar, began practice in his native city. In all departments of the law and in all the courts of the state, he has shown himself especially proficient. His legal knowledge is comprehensive and accurate, his reasoning is logical, his arguments forceful and convincing. Success in no profession depends so entirely upon merit as it does in the law, and the high abilities of Mr. Burnam are indicated by his eminent position at the Kentucky bar. When he began practice he entered into partnership with his father, and for twenty-five years the firm was connected with every important civil or criminal cause tried in their district.

Judge Burnam gives his political support to the Republican party. He was elected and served as mayor of Richmond and administered the affairs of the city government in a most satisfactory manner. He was appointed by President Benjamin Harrison collector of internal revenue for the eighth district of Kentucky, and in November, 1896, was elected a member of the Kentucky court of appeals, his opponent being Judge William S. Pryor, one of the most prominent lawyers of the state, who for twenty-five years had been upon the bench of Kentucky's highest court.

Judge Burnam is a man of resourceful ability, and in addition to his law practice he has long administered the affairs of the Madison National Bank of Richmond, of which he is president. He is also a member of the board of trustees of the Madison Female Academy. His real-estate holdings in Madison county are extensive, and he is largely and successfully interested in the breeding of fine trotting stock.

In November, 1874, Judge Burnam was united in marriage to Miss Margaret Summers, of Quincy, Illinois, and they now have eight children, five sons and three daughters. No man in the community stands higher in the estimation of the public than Judge Burnam. He has been identified with all the movements looking to the advancement of the general welfare, and is especially the patron of charitable, educational and benevolent institutions. The prestige of his past career and the ability he has shown at the bar give basis for the popular prophecy that he is one of the coming jurists of eminence.

GEORGE MUTER, chief justice of court of appeals from June, 1792, to December 26, 1806, was a Virginian of education and refinement who was among the earliest emigrants from that state to the then district of Kentucky. On the erection of a district court in the Kentucky district, by the legislature of Virginia in 1783, he was one of the judges appointed to its bench, but did not act in that capacity until 1785. He was a prominent participant in the legislative, judicial and political history of the district and state from his advent into it until his resignation from the bench in 1806.

His name, with that of Harry Innes, John Brown and Benjamin Sebastian, appears attached to an important historic document, arraigning the congress and government of the United States for the enactment of laws and the negotiation treaty obligation, inimical to the interests of the western country in their commercial relations with foreign powers, and calling a representative convention to meet in May, 1787, to consider the subject. This was the inception of what has become part of the history of the country, and particularly of Kentucky, known as the "Spanish Conspiracy." Much has been written on the subject. Judge Muter's connection with the matter, as determined by long subsequent investigation, was free from anything of a treasonable character, as has been sometimes alleged.

An effort was made by the legislature in 1795 to remove both Judges Muter and Sebastian from the bench, but failed through lack of two-thirds majority; and while dissatisfaction existed over some of his decisions there is no evidence of corruption upon his part. His long service for the state and his eminent position, with his life tenure upon the office of chief justice, entitled him to every consideration of love and respect. His advanced age and infirmities, however, were such that he could not discharge the increasing arduous duties of his office; and on being promised a pension for the remainder of his life, the venerable judge was induced to resign his office. In accord with the promise made him, the legislature passed a bill granting him a pension of three hundred dollars per annum, December 26, 1806. This was the first and last pension given by Kentucky, and even this small allowance was abrogated by a subsequent repeal of the original grant in January, 1809, it having been a subject of contention

throughout the state, the act of pensioning being styled "monarchical, odious and unconstitutional."

Judge Muter, being entirely dependent, lived the remainder of his life the beneficiary of the friendship of Judge Todd, who tenderly cared for him in his declining days.

BENJAMIN SEBASTIAN was appointed a member of the court of appeals December 28, 1792, but resigned December 6, 1806. His nativity seems shrouded in mystery. He was educated in this country as a Church of England clergyman and went to England for holy orders. However, as early as 1785, he was a citizen of Jefferson county, engaged in the practice of law, and was a delegate to the conventions held at Danville in August, 1785, in 1787 and in 1788, and also a member of the convention which framed the first constitution of the state in 1792.

On the 28th of December, 1792, he was appointed associate justice of the court of appeals, and held that office until December 6, 1806, when he resigned. His life history is one of the most interesting and unique in the annals of the state. He was a prominent, indeed the central figure, about whom revolved the negotiations with Spain, touching the opening of the Mississippi to the commerce of the western territory. The fact that he was a resident of Louisville may account in a measure for his being the medium for the interchange of views between the Spanish authorities and the leading men of the Mississippi Valley in their negotiations. His name appears in connection with those of Harry Innes, John Brown and George Muter signed to a manifesto calling a convention in 1787; and from that date until his final disappearance from the stage of public life, in 1806, he was an important factor in the affairs of the country.

The story of his life is one of the most interesting in the history of Kentucky. Since the publication of the first Kentucky history, written by Humphrey Marshall, he has been denounced as the enemy of his country and as a conspirator with Spanish officials for the dismemberment of the Union. Our space does not permit an extended inquiry or the production of documentary evidence on both sides of the question of his connection with the so called "Spanish Conspiracy;" the main facts in outline are, that the Mississippi river was the only avenue for the transportation of the products of the western country and that Spain was in possession of the river. The federal government did not afford the protection that the people desired and expected either in the matter of the defense against the Indians or of commercial advantages: They were practically left to shift for themselves and they sought to make terms with Spain for the right to trade on the great river of the west and, by way of its outlet, with the markets of the world.

Negotiations were carried on mainly through Judge Sebastian, and by means of the arrangement effected by him Kentucky reaped the reward of a large trade which brought prosperity to the state and builded up her infant industries. It was not until 1797, when certain decisions of the court of appeals touching certain land entries rendered him unpopular, that an outcry was raised against him, culminating, in 1806, in an examination by the legislature of his connection with the Spanish commercial alliance. In the face of these investigations Judge Sebastian resigned from the bench.

He retired to his home at "Falls of Rough," in Grayson county, where he spent the remainder of his life.

That eminent lawyer, Ben Hardin, speaking on this subject, said:

"I am, Mr. President, greatly rejoiced that I have this opportunity to vindicate the names, characters and memories of the illustrious men who figured in the days of other years,—days that tried the souls of men; men who have been slandered by some of the histories of this country, in which they are branded as traitors and Spanish conspirators; men that I feel proud of, and so ought my country to be proud of. Thirty or forty years ago I knew most of them. I see in my mind and can recollect exactly how they looked. They then had the aged and venerable appearance of the senators of Rome seated in the senate chamber when the Gauls took and destroyed the city. * * * Kentucky enjoyed the benefits of the regulations made by Sebastian until Spain transferred the country to France and France to the United States, and after enjoying the benefits of Sebastian's labors for years, when the necessities for those regulations had passed away, Kentucky for a time forgot his services, and the whole legislature attacked him in 1806. Those that sent him, who were alive—for some were dead—gave him no aid or assistance, and he sank under the assault and fell a victim to the rancor of popular fury. I trust in God that the present generation will do his memory justice for the consolation of his posterity."

CALEB WALLACE, judge of the court of appeals of Kentucky, was born in 1742, in Lunenburg, now Charlotte county, Virginia, and died in Woodford county, Kentucky, in 1814. He was descended from clan Wallace, of the highlands of Scotland. The emigrant to America from whom he traces his lineage was Peter Wallace, whose wife was also a Scot,—Elizabeth Woods by name. Peter Wallace settled in the back woods of Virginia, near Stanton, about 1734, with his family of four children, three sons and one daughter. Samuel Wallace, a son of Peter, was the progenitor of the family in Kentucky. The will of Samuel Wallace, of Rockbridge county, Virginia, was probated at Lexington, the 4th of April, 1786, and its maker was possibly a nephew of the Samuel Wallace who came to Kentucky in 1782 with his family,—a wife and three children. Caleb Wallace was the eldest of the family. His mother was Esther (Baker) Wallace, about whose ancestry little is recorded.

The home of the Wallaces was in a Presbyterian settlement, known as Cub Creek, and its early advantages were probably limited, when Caleb Wallace, at the age of twenty-five, concluded to seek a higher career than the precincts of that village afforded him. He entered and made his way through Princeton College in three and a half years. His home influences were all of a staid, substantial and religious character, and it is believed that he joined the church when about fifteen years of age. As an example of what our fathers did and how they provided for contingencies, the following certificate, which Caleb Wallace carried with him when he left the paternal roof of the Cub Creek home, is a matter of interest; the signer was the pastor of the Presbyterian flock, himself a graduate of Princeton College, of the class of 1851. The paper read:

These are to certifie all Christian People to whom these Presents shall come that

I have been acquainted with Caleb Wallace, the bearer hereof since he was Boy, and he hath always Sustained a moral Character and is going from home free from any publick Scandal or liable to any Church censure known to me, and hath been a Partaker of Sealing Ordinances, and may therefore be received as a Member into any Christian Congregation or Society where Providence may Order his Lot.

Dated at Cub Creek in Charlotte county, Virginia, April 6, 1767.

ROBERT HENRY.

The home influence, his early training and habits of mind made him turn toward the ministry, and on graduating at Princeton, in October, 1771, he offered himself to the presbytery in order "to enter upon Tryalls as a Candidate for the Gospel Ministry." He was a theological pupil of Dr. Witherspoon at Princeton, and while there was the intimate of James Madison, later president of the United States. He was licensed to preach May 28, 1772, and after filling mission stations he was regularly called and ordained as the minister of Cub Creek church October 13, 1774. Previous to this, about April, 1774, he married his cousin, Sarah McDowell, the daughter of Samuel and Mary (McClung) McDowell, and granddaughter of Magdaline Wood, who was a sister of Elizabeth Wood, wife of Peter Wallace. Her younger brother became the celebrated surgeon, Dr. Ephraim McDowell. His wife died in 1775 or '6, and on May 11, 1779, he married Rosanna Christian, sister of Colonel William Christian, who married the sister of Patrick Henry, and removed to Roanoke to take charge of a church there. Alexander Scott Bullitt married a daughter of Colonel William Christian. The family history involves connection with the Christians, McDowells, Bullitts and Wallaces, but, while interesting, it is impossible to give a detailed account of same. Judge Wallace's second wife died December 4, 1804, and he afterward married Mrs. Mary Brown, of Frankfort, who survived him until 1836.

Caleb Wallace was appointed a member of a commission for the adjudication of western accounts; the members were appointed by the governor and his council in July, 1781, and Mr. Wallace was appointed to fill a vacancy caused by a resignation about October, 1782, his father and brother being also of the commission. He was sent as the representative of the county to the Virginia legislature. His service was brief, but he secured legislation whereby was founded Transylvania University, and as the author of the measure is entitled to credit. It vests certain escheated lands in the hands of trustees for the benefit of the school. At the May term of the general assembly of 1782, a supreme court of the district of Kentucky was provided. John Todd was nominated for chief justice and Walker Daniel for attorney. Colonel Todd met his death at Blue Licks before assuming his office. John Floyd and Harry Innes were named as associate judges. Innes declined the appointment as associate judge and after the announcement of the death of Colonel Todd he was appointed chief justice and Samuel McDowell was made associate justice, his commission being accepted by letter dated December 22, 1782. The first session of the court was held by Samuel McDowell and John Floyd at Harrodsburg, and the seat of holding the court was transferred to Danville. Colonel John Floyd was killed by the Indians April 12, 1783, and July 2, 1783, Caleb Wallace was appointed in his place. In November, 1783,

Judges McDowell and Wallace held court at Danville. Walker Daniel, the attorney for the district, was killed by Indians, July 12, 1784, and Colonel Innes resigned as chief justice and was appointed to the vacant attorneyship. On the 5th of January, 1785, Cyrus Griffin was appointed chief justice, but resigned October 31, 1785. There is no record of Griffin's presence in Kentucky. On the 15th of November, 1785, the court's *personnel* was again completed by the appointment of Colonel George Muter as chief justice and he held his office until the court was abolished by the adoption of a state constitution in 1792.

Caleb Wallace's name appears on record as a member of several of the associations which antedate the formation of the state; of the convention of 1792, which drafted the constitution, and was one of the electors at large in the presidential contest of 1796, voting for Mr. Jefferson. He was thoroughly in accord with John Breckenridge, who was his personal friend and endorsed the celebrated 1798 resolutions as his political faith.

He, with Harry Innes (and afterward George Muter) and Benjamin Sebastian, constituted the first court of appeals of Kentucky. At the October term of the court of appeals of 1795, the case of Kenton versus McConnell, in which George Nicholas appeared for the defendant, was adjudicated and a decision was pronounced by a divided court in favor of McConnell. It was obtained by a process of reasoning which involved the validity of the titles that had been given by the commissioners under the Virginia land law in the years 1779 and 1780. The titles awarded by those commissioners had been regarded hitherto as among the most meritorious in existence; their validity had also been specially conceded by decisions of the supreme court of the district of Kentucky.

Now that the right to open and review any decision made by the Virginia commissioners had been conceded by the highest tribunal, there was a general feeling of disquietude, and the greatest hardships fell on those who were the earliest immigrants. Colonel Nicholas was accused of exerting undue influence and of even having made preparation for this condition by ingrafting upon the state constitution of 1792 a provision to the effect that the court of appeals should have original and final jurisdiction of all cases where titles to landed estate was involved. Judges Muter and Sebastian adopted the views expressed by Colonel Nicholas and awarded his client judgment; Judge Wallace filed a dissenting opinion. The excitement following the filing of these two opinions was very great and indeed bordered upon anarchy. The legislature was appealed to with memorial and remonstrance and on the 19th of December, 1795, an attempt was made to remove Judges Muter and Sebastian by address to the governor. The address, however, failed, not having received the two-thirds majority required, but the warning which the judges had received of the spirit of the people induced them to grant a rehearing of the cause, and in May, 1796, Judge Muter reversed his opinion and joined Judge Wallace.

Judge Wallace continued to serve upon the court-of-appeals bench until 1813, when he resigned, having been in constant service on the bench from 1792, a period of nearly twenty-one years. Having been on the bench of the supreme court of the district for nine years previous, his record of con-

stant service on the highest courts of the Kentucky district and the state, covers a period of thirty years, and has not been equaled by any one since that time. Judge William Logan, who was his associate judge from 1810 to 1820, was his son-in-law.

He was a member of the earliest Presbyterian church that was opened in Kentucky, and contributed a noteworthy share toward the establishment of Presbyterianism in the west. He was also an interested and active participant in all that concerned the welfare of Translyvania University, of which he was for many years a trustee.

FELIX GRUNDY, one of the chief justices, of Kentucky, was born in Berkeley county, Virginia, September 11, 1777, and died in Nashville, Tennessee, December 12, 1840. His father, a native of England settled in Virginia, afterward moved to Pennsylvania, and in 1780 took up his residence in Washington county, Kentucky.

Felix Grundy was educated under the direction of his mother, attended Bardstown Academy, studied law under George Nicholas, and began practice in Springfield, Washington county, Kentucky. He figured conspicuously in the early history of the state. He was a member of the constitutional convention of 1799, where he was a leader in debate and was the originator of the circuit-court system, provided for in the constitution there constructed. He was elected to the legislature from Washington county in 1800 and 1802, and in 1804 from Nelson county, where he was also re-elected. He persistently brought forward his plan for the establishment of circuit courts until he saw it adopted, and was acknowledged as the founder of the system in the state. In 1802 Mr. Grundy had his celebrated debate with Henry Clay on his motion to repeal the charter for the Insurance or Banking Company of Lexington. On the 10th of December, 1806, he was appointed a judge of the court of appeals, and in the following spring was made chief justice on the resignation of Chief-Justice Todd, who had been appointed to the supreme bench of the United States. In 1807 he resigned to follow the more lucrative and active duties of his profession.

At that time Mr. Grundy removed to Nashville, Tennessee, and for twenty years was the foremost lawyer of that state. He was elected to congress, where he served from 1811 to 1815, was a member of the committee on foreign relations and favored war with Great Britain. In 1819 he was elected to the Tennessee legislature, was several times re-elected, and with William L. Brown was appointed a commissioner to the Kentucky legislature to negotiate with that body as to the difficulty then existing concerning the boundary line between the two states. In 1829 and 1833 he was elected United States senator, serving in that body until 1838; in the latter year became attorney-general of the United States under Martin Van Buren, but resigned in 1840, and was again elected to the senate, but died before congress convened.

He was a great and good man, of wonderful power as a speaker and of great erudition, not only in law but also in the sciences and general literature. He was at all times and under all circumstances an honest and fearless advocate of the right. His general reading was very extensive, and his knowledge of the affairs of the world and of the human heart was such as has seldom been surpassed. In person he was impres-

sive and commanding; his face was radiant with genius and benevolence; his voice was of great strength and sweetness and so modulated by judicious discipline as to adapt its tones most happily to the expression of all the emotions of which the human soul is capable. His gesticulation was never profuse, but always appropriate and graceful. His countenance was habitually serene and he spoke without apparent preparation, yet Foote says this was more apparent than real, and that he was simply an adept in the *ars celare artem*. He could be humorous and sometimes indulged in inoffensive mimicry.

NINIAN EDWARDS, chief justice of Kentucky, was born in Montgomery county, Maryland, in March, 1775, and died in Belleville, Illinois, July 20, 1833. His father, Benjamin Edwards, served in the Maryland legislature and in congress, and was a member of the state convention which ratified the federal constitution. Ninian Edwards was a graduate of Dickinson College, of Pennsylvania, and studied both law and medicine, but gave his attention to the former. In 1794 he removed to Nelson county, Kentucky, where he improved a valuable farm, and on the landed estate of his father built a distillery and tannery. In 1796 he was elected to the legislature, was re-elected, and in 1798 located in Russellville, where he became distinguished in his profession. He acquired high reputation and wealth in the active practice, and in 1804 was made presiding judge of the general court of his district, was circuit judge, judge of the court of appeals, and on January 5, 1808, became chief justice,—filling all these positions before reaching his thirty-third year! In 1804 he was presidential elector on the Jefferson ticket, in 1809 was appointed governor of Illinois territory, and twice reappointed. When Illinois became a state, in 1818, he was elected to the United States senate, serving from 1818 to 1824. He declined the appointment of minister to Mexico tendered him by President John Q. Adams, and was elected governor of Illinois in 1826, serving until his retirement to private life in 1831.

Nature bestowed upon him many of her rarest gifts; he possessed a mind of extraordinary compass and an industry that brought forth every spark of talent with which nature had gifted him. He was in every way a most superior man.

JAMES CLARK, one of the judges of the court of appeals and governor of Kentucky, was born near the Peaks of Otter, in Virginia, in 1779. His father emigrated to Kentucky and settled near Kentucky river, in Clark county. He was educated under the supervision of Dr. Blythe, afterward a professor in Transylvania University, studied law with his brother, Christian Clark, a distinguished lawyer of Virginia, and returned to practice at Winchester, Kentucky, in 1797. He was a member of the legislature in 1807 and 1808, and was appointed judge of the court of appeals March 29, 1810, but resigned after two years' service. He was elected to congress from his district, serving from 1813 to 1816, when he resigned to accept the office of circuit judge, and while serving in this position in 1822 his decision in the case of Williams versus Blair, wherein he declared certain laws intended as stay laws for the benefit of debtors to be unconstitutional, caused such dissatisfaction as to call forth from the legislature, convened in extra ses-

sion, a resolution of condemnation. The committee appointed to inquire into the decision of the judge, on the 21st of May, 1822, reported as follows: "The principles and doctrines assumed in this opinion are incompatible with the constitutional powers of the legislative department of the government, subversive of the best interests of the people and calculated in their consequences to disturb the tranquillity of the country and to shake public confidence in the institutions and measures of the government, called for by the conditions and necessities of the people." Five hundred copies of the report were ordered printed, and Judge Clark was summoned to appear before the house and answer to the charge.

On the 27th of May, 1822, Judge Clark made answer in writing, as follows:

"In pronouncing a law that is incompatible with the constitution void, the judiciary does not assume a superiority over the legislature. It merely affirms the paramount obligation of the fundamental rule. It announces only that the will of the people, as expressed in their constitution, is above the will of any of the servants of the people. The decision was given after the most mature deliberation which I was able to bestow and from a firm conviction of the principles there mentioned, and I must have been not only faithless to my conscience, but to the constitution of the United States and the dignity due the judicial office had I expressed any other opinion."

The reply was altogether manly but did not avert or appease legislative wrath. The legislature invoked the remedy of address to remove the judge from the bench, but the lack of a two-thirds majority caused the proceedings to fail. In October, 1823, the case of Williams versus Blair was sustained as decided by Judge Clark in the court of appeals and transferred from the circuit judge to the higher court the rage of the legislature, and they attempted to legislate the court of appeals out of office, thus inaugurating the contest of the old and new court.

Judge Clark was elected to congress, serving from 1825 to 1831, and in 1836 he was elected governor, dying while in office, September 27, 1839. He was a lawyer of fine capacity and undoubted integrity, of fair literary attainments, for his day, of fine appearance, ready wit, lively disposition and easy address. To the lighter graces he added all the sterner and manly virtues that inspire confidence and command respect.

WILLIAM LOGAN, judge of the court of appeals and senator of the United States for Kentucky, was born in Harrodsburg, December 8, 1776, and died at his residence in Shelby county, August 8, 1822. He was one of the most prominent and most beloved of the public men of the state.

His father was General Ben Logan, who was the earliest settler to Logan county, to which he gave his name. He was of Irish parentage, and was born in Augusta county, Virginia. His father died when he was but fourteen years of age and left him the beneficiary of his estate as the sole heir under the law of primogeniture then in force. On coming of age he voluntarily divested himself of his estate for the benefit of his mother and brother, and sought a fortune for himself. His mind was uncultivated save by his study of men. He accompanied Colonel Henry Bouquet in his expeditions against the Indians, and in 1774 was with Dunmore in the expedition to northwestern Ohio. In 1775 he started for Ken-

tucky, and in Powell's valley met with Boone, Henderson and others also on their way west. He traveled with them for a time, but, not approving of their plans, he left them on their arrival in Kentucky, and after a few days' travel stopped in what is now Lincoln county, where he built a fort, and during the same year, in connection with William Galaspy, raised a small crop of Indian corn. He made two journeys between Virginia and his new home, bringing out his cattle and slaves, and in 1876 removed his family to Kentucky. His history is largely the history of early Kentucky and the Indian wars, for he was the prominent figure in the defense of the white settlers against the red men. He was a representative man, and several times was a member of the house of representatives, a member of the convention of 1792 and 1799, wherein were framed the first and second constitutions of the state. He died at an advanced age full of honors and beloved by all who knew him.

His son, William Logan, was probably the first white child born in the present limits of Kentucky. In 1799 he was a delegate from Lincoln county to the constitutional convention, his father being also a member for Shelby county. He had studied and practiced law prior to this time and had attained some distinction in his profession. He was the representative from his county to the state legislature and was speaker of the house from 1804 to 1806. He was appointed judge of the court of appeals, January 11, 1808, but resigned soon afterward, and was again appointed January 20, 1810. In 1819 he was elected United States senator for Kentucky, but resigned that office in 1820 to become a candidate for the position of governor. To this office, however, he was not elected. He was an active and influential factor in the many questions that disturbed the state in the construction of the constitutional provisions for filling the office of governor, when the vacancy was caused by the death of Governor Madison. He was also an adherent of the old court in the contest for authority between the court and the legislature.

In private and public life, he was ever courteous in manner, inflexible in his integrity and of great moral worth. His death at an early age was deplored very generally as a loss to the state.

He was married in 1801 to Priscilla Wallace, the daughter of Judge Caleb Wallace, of the court of appeals.

BENJAMIN MILLS, jurist and judge of the court of appeals, was a native of Worcester county, Maryland, born January 12, 1779, and died December 6, 1831. He was educated in Pennsylvania, where he entered upon the study of medicine. While still a youth he was called to the presidency of Washington Academy. He removed to Bourbon county, Kentucky, with his parents and relinquished the study of medicine for that of law, and about 1805 began the practice in Paris.

He was a member of the house of representatives at Frankfort for Bourbon county in 1806, 1809, 1813, 1814, 1815, 1816, and in 1816 was within three votes of an election to the United States senate, his competitor being Isham Talbot. In 1817 he was appointed judge of the circuit court of Montgomery circuit, and in 1818, by the unanimous request of the bar of Fayette, he was transferred to that circuit. In 1820 he was appointed to the court of appeals as associate justice, the court being composed

Faithfully
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at that time of John Boyle, chief justice, William Owsley and Benjamin Mills. These three constituted the court during the exciting scenes of the contest between the court and those whom the governor, acting under authority of the legislature, appointed judges of the "new court." He resigned in 1828, was renominated by the governor, but not confirmed by the senate. He retired from the bench to the practice of law, in which he was eminently successful. As a legislator he gave character to some important statutes, and his efforts in 1816 were of special value, settling a construction of the constitution on the new election question.

His was of rather a repellant nature and sought to command approbation by a course of absolute rectitude, not to win the affections of men. He was a profound lawyer and his decisions evidenced a clear and comprehensive knowledge of the law. He was a member of the Presbyterian church and an active participant in the church government.

His position and adherence to his conviction of right and constitutional law, in 1825 and 1826, on the question before the court involving the relief laws, were of utmost importance to the state and were adhered to in the face of popular tumult and even of threatened personal violence. His life is one that is full of encouragement to the struggling youth of to-day. Without aid or advantageous surroundings, he made for himself an honorable place and name in the history of his adopted state.

GEORGE ROBERTSON was one of the most conspicuous figures in the history of the jurisprudence of the nation. In the long and crowded line of illustrious men of whom Kentucky is justly proud, the public life of not one other has extended over as long a period as his; and certainly the life of none has been more varied in service, more constant in honor, more fearless in conduct and more stainless in reputation.

Judge Robertson was born November 18, 1790, in Mercer county, Kentucky, before the admission of the state into the Union; and through the formative period of the commonwealth, the epoch of its early development, through the dark days of the war and through the era of prosperity which followed he was a potent factor in the public life of the state which he honored more than it honored him, although it bestowed upon him the highest judicial offices within its power and offered to him many other public positions of trust. The family from which he sprang were closely identified with the settlement of the state from its earliest days. His father, Alexander Robertson, who was born in Augusta county, Virginia, about a mile from Staunton, November 22, 1748, was the son of James Robertson, who, with his own father of the same name, emigrated to America from the neighborhood of Colerain, in the north of Ireland, about 1737. They were members of a colony that settled on Burden's grant, in the then trans-Alleghany wilderness of Virginia. Alexander Robertson was a near relative of William Robertson, the celebrated historian, whose nephew, John Henry, was the father of Patrick Henry, of Virginia.

Alexander Robertson was a man of strong mind, sterling moral qualities and of great popularity with all classes. He was elected a member of the Virginia federal convention, which met at Richmond in June, 1788, and was also elected a member of the Virginia legislature the ensuing winter. On the 18th

of August, 1773, he was married, in Bedford county, Virginia, to Margaret Robinson, the wedding being celebrated at the residence of Colonel John Howard, father of Governor Benjamin Howard, of Missouri. With his family Mr. Robertson removed to Kentucky, settling at Gordon's station, December 24, 1779. In 1792 he was elected the first sheriff of Mercer county. He died in 1802, and his wife, who was born April 13, 1755, in Fincastle county, now Montgomery county, Virginia, died June 13, 1846, in her ninety-second year, at the home of her son-in-law, ex-Governor Robert P. Letcher, in Frankfort.

After acquiring a good elementary education in the English branches, Mr. Robertson, in August, 1804, was sent to Joshua Fry, who was then conducting a private school on his farm five miles west of Danville, to learn Latin, French and mathematics. He displayed remarkable aptitude in his studies and mastered whole pages with almost a single reading. His education was afterward continued in Transylvania University, where he remained until 1806, then spent four months as a student in the classical school conducted by Rev. Samuel Findley in Lancaster, Kentucky, and six months as a teacher in that institution. In the spring of 1808 he went to Frankfort to study law under Martin D. Hardin; but not being able to make the arrangements he had anticipated, he returned to Lancaster, and under the direction of his brother-in-law, Samuel McKee, then a member of congress, studied law until September, 1809, when he was given a license to practice, signed by Judges John Boyle and Caleb Wallace.

Mr. Robertson built up a fine practice. Believing that the true end of litigation, as of war, is peace, when consulted about a controversy, he advised a settlement, if a fair compromise could be effected before the passions of the parties had enlisted them irretrievably in the conflict. If this could not be done, he engaged with untiring zeal in the service of his client. Indefatigable at every stage of the contest, his ablest exhibitions were his addresses to the courts. Taking no notes of evidence and relying on but few authorities, he adduced reasons in profuse abundance, and none of them so frivolous as not to be plausible, for every proposition that he affirmed; and he responded immediately and forcibly to the objections and authorities of the opposite party. Some of his discussions of dry propositions of law were, from their clearness, method and ingenuity more pleasing to cultivated minds than the most finished efforts of the rhetorician. All instruments of writing drawn by him are distinguished for their brevity, clearness and accuracy. He knew what was essential in the accepted forms, and therefore never used a form or any superfluous word, although its employment might be consecrated by immemorial usage. He was one of the most successful teachers of law that the state has produced, and even when a young man had many law students in his office.

In November, 1809, when a few days over nineteen years of age, Judge Robertson married Eleanor Bainbridge, a daughter of Dr. Bainbridge, of Lancaster. They began their domestic life in a small buckeye cabin of two rooms, concerning which house there is a remarkable history. Judge John Boyle, Samuel McKee, George Robertson and Robert P. Letcher all began housekeeping there in the order mentioned, and in the same order succeeded one another to a seat in congress. In 1816, when only twenty-six

years of age, Judge Robertson was elected to congress, against formidable opposition, and remained a member until 1821, when he resigned. He soon acquired distinction in the house, was chairman of the land committee and a member of the judiciary and internal improvement committees. He drew and introduced the bill to establish a territorial government in Arkansas, to which bill John W. Taylor, of New York, offered an amendment interdicting slavery. The restriction, after exciting discussion, was carried by one vote. A reconsideration was ordered, and the bill was finally passed divested of the restriction, by the casting vote of the speaker, Henry Clay. In 1820 Judge Robertson initiated—instead of the old system of disposing of the public lands on a credit at a minimum of two dollars per acre—the present system, requiring payment without credit, and reducing the minimum price to one dollar and twenty-five cents per acre, and the quantity that might be purchased to eighty acres, whereby any poor man who could command one hundred dollars might obtain a home. He advocated its adoption, although in opposition to most of the western members, led by Henry Clay, and the bill passed by a large majority. This measure has contributed more to the advancement and prosperity of the west than any other ever adopted.

While serving in congress Mr. Robertson was also an active factor in settling the controversies which arose in his native state. In 1816 George Madison was elected governor and Gabriel Slaughter lieutenant governor of Kentucky, but the former died before the day of inauguration, and the latter was inaugurated as governor. At the next session of the legislature, in December, 1816, a resolution passed the house for a new election of governor. This led to a popular excitement which for more than a year agitated the state almost to revolution. Mr. Robertson, in the summer of 1817, published, over the signature "A Kentuckian," an argument against the new election, in pamphlet form, which exercised a powerful influence in allaying the excitement and settling the question against the new election. He also took an active part in the celebrated "relief" and "anti-relief," "Old Court" and "New Court" controversy in Kentucky. He was elected to the legislature from Garrard county in 1822, and for several successive years, until that contest was finally settled in 1826–27. He was elected speaker of the house in 1823, but in 1824 was defeated for the speakership by Robert J. Wood, of Scott county. It was at this session that the act was passed to repeal the act organizing the court of appeals and to reorganize a court of appeals. It was hence known as the "reorganizing act." After its passage the "anti-relief party" was on the eve of disbanding, but Mr. Robertson wrote, and, by adroit management, had entered upon the journal of the house, the protest against the act, which had the effect of uniting the anti-relief and Old Court parties. It was circulated far and wide, electrified the people and became the text of the party. Through the influence of the principles enunciated and the arguments promulgated in that document the constitution was triumphantly vindicated and maintained. Mr. Robertson was re-elected speaker, and served as such in 1825–26–27. He was the author of the "Manifesto" of the majority in 1826–27, and delivered many public addresses during that contest. His letters and writings were powerfully effective, but the letters over the signature of "Plebeian," and published in

the "Spirit of '76," were peculiarly efficient, and may yet be read with pleasure and instruction as masterly specimens of political essays.

The bent of Judge Robertson's active mind made him take a lively pleasure in the study of the science of government. Although he held but few political offices, and those for but a short time, and while upon the bench carefully lifted the judicial ermine above the mire of parties, he was a more active and efficient politician than many who have devoted their undivided time to public affairs, and who have obtained far greater distinction than ever fell to him. A vigilant and attentive observer of men and measures, he discussed from the platform and through the press most of the great public questions which were agitated during his times. This is attested by his various published addresses and by his letters and pamphlets on the theory of popular government, on the relief laws, the tariff, the Missouri compromise and squatter sovereignty, common schools, the American policy against the new constitution, against an elective judiciary, on nullification and secession, the doctrine of popular instructions, slavery and emancipation and many other topics.

Many official positions would have been conferred upon Judge Robertson had he not refused them. In 1828 he declined the nomination for governor. Governor Metcalfe, who was afterward nominated and elected, appointed him secretary of state, but he served in that capacity only a short time. The same year, however, he became chief justice, Judge Boyle having resigned his seat upon the appellate bench, and accepted the appointment of judge of the United States district court. Judges William Owsley and Benjamin Mills, after the termination of the contest in favor of the old court, resigned. George M. Bibb had previously been appointed chief justice. Judges William Owsley and Benjamin Mills were renominated by Governor Thomas Metcalfe, but rejected by the senate, and Mr. Robertson was nominated December 24, 1828, his nomination being confirmed. He accepted with the understanding that he might resign at the end of a year; but at that time he was appointed chief justice and served continuously until 1843, when he resigned his high trust, and returned to a lucrative private practice at the bar. His professional course was marked by high integrity of purpose, and while presiding as judge of the appellate court, he enjoyed to an eminent degree the confidence of the bar and the public. Twice during his judicial service he was nominated for the United States senate.

Judge Robertson was tendered the office of secretary of state by Governor Adair, in 1820, and afterward that of judge of the Fayette circuit, and as an inducement to his acceptance of the latter the authorities tendered him a law professorship in Transylvania University. In July, 1824, Hon. Richard Clough Anderson, Jr., then minister to Bogota, having expressed a desire to return home if Judge Robertson would take his place, the mission to Colombia was tendered him, but he declined. In 1828 President Adams tendered Judge Robertson the mission to Peru, which was also declined. Four times he declined appointments to the federal cabinet, and twice a seat on the bench of the United States supreme court. In 1848, and again in 1851–53, he represented Fayette county in the lower branch of the Kentucky legislature, and dur-

ing one term, 1857, served as speaker. In December, 1834, he accepted the professorship of constitutional law, equity, and international law in the college at Lexington, and retained that position until 1858, when he resigned.

In August, 1864, his name was placed upon the poll-books as a candidate for judge of the appellate court. This was done only two or three days before the election by friends who were alarmed at the open interference of the military in threatening or ordering the arrest of candidates who were styled disloyal. In many parts of the district it was not known that he was made a candidate, but he was elected by a large majority. An office tendered under such extraordinary circumstances could not be declined, and although then in his seventy-fifth year he accepted it, discharging its onerous duties with diligence and ability until February 2, 1871, when he was stricken with paralysis while actually presiding as chief justice. The bar indulged the hope that he might recover and resume his duties, but at the opening of the court in September Judge Robertson, after administering the oath of office to the governor-elect, Preston H. Leslie, September 5, 1871, resigned. It was an unexpected and a most impressive scene, bringing tears to the eyes of many of that large assemblage who had come there to witness the inauguration ceremonies. His death occurred at his home in Lexington, May 16, 1874, in his eighty-fourth year, and although prostrated by disease and physically disabled for some time previous his mind was entirely unimpaired and his mental faculties wholly unobscured.

The life of this illustrious man was one of remarkable activity, full of incidents and results. In every sphere of life in which he was called to move he made an indelible impression. In his early manhood, and at the very threshold of life, he occupied the front rank in the profession of law and coped successfully with the greatest men of the nation. His great legal ability and his singular devotion to the interests committed to his charge won for him a reputation co-extensive with the state. He has done more for Kentucky jurisprudence, more to give it form within the state and fame abroad, than any other judge,—perhaps more than all other judges together that have ever sat in the court of appeals. He not only loved but he lived for his country, and in his life exemplified the spirit of his own words: "He alone who honestly dedicates his talents and his example to the happiness and improvement of his race lives for his country, whatever may be his sphere."

He was an ardent lover of music from his early boyhood days, and gained considerable local celebrity as a violinist. Speaking of music, he said: "It exhilarates and tranquilizes the mind, elevates and purifies the heart, and thus contributes much of what scarcely any other amusement can as innocently contribute to improvement and happiness." His library contained the best works on philosophy and criticism; a good collection of English poetry and early periodical literature; the best of the English novels, prior to the time of Scott, and works of the best English dramatists; fine editions of choice translations of the Greek and Roman epic and dramatic poets and historians; popular treatises on all the sciences; standard works on divinity; theoretical disquisitions on government; histories, general and particular, of nations and of philosophy, and biographies and memoirs of the intrigues of

court and parties, and writings on political economy: all of these he read with attention.

But to know Judge Robertson was to know him at home; to know him there was to love him. The strongest wish of his youth was to have a settled home, and, when he had attained one, to make that home happy was the central object of all his efforts. Nobly did he redeem the hostages which, he says, he gave to fortune when he married, and the pledge which he made to cherish his wife and children. His domestic affections were the source of his highest, purest and most constant enjoyments and his deepest afflictions came to him in the loss of the members of his family. He was a deep and earnest student of the Bible, and his views on religion were high and broad. He did not unite with any church until after his eightieth year, but he was ever a worshiper of the Creator; and his life evidenced his belief. It is said of an eminent man of old that he has done things worthy to be written; that he has written things worthy to be read; and by his life has contributed to the welfare of the republic and the happiness of mankind. He on whom this transcendant eulogy can be pronounced with even partial truth is entitled to the gratitude of his race. Nowhere within the broad limits of the commonwealth of Kentucky has there died a man over whom this might more truthfully be said than George Robertson.

GEORGE M. BIBB, for fifty years one of the foremost characters in the judicial and political history of Kentucky, was born October 30, 1776, in Prince Edward county, Virginia, and died April 14, 1859, in Washington, D. C. He was the son of Richard Bibb, an Episcopal clergyman of great learning. His earliest recollections were of the struggle for American independence, which began in the year of his birth, and he died just before the war of 1861-65 had concentrated its unrecorded horrors around his birthplace. He was one of the legal giants of Kentucky, and was the last representative at the national capital of the "gentlemen of the old school." Refusing to give up the fashions of his early life, he continued to wear the "small clothes," which were not even odd on the elegant old-time gentleman, but added to the popular respect and reverence for him.

Judge Bibb was well-educated, being a graduate of both Hampden Sydney and William and Mary colleges, and in his later days was the oldest surviving graduate of each. Studying law with that distinguished jurist, Richard Venable, he practiced in Virginia for a short time, and in 1798 removed to Lexington, Kentucky. He attracted business by his legal acquirements, solid judgment and cogent reasoning, and was soon numbered among the ablest and most profound attorneys in the state. His superior talents won him official honors, both in jurisprudence and in political circles. He was appointed by Governor Christopher Greenup one of the judges of the court of appeals on the 31st of January, 1808, and on the 30th of May, 1809, Governor Charles Scott appointed him its chief justice, in which capacity he served until March, 1810, when he resigned his high trust. The following year he was elected to the United States senate, and continued an active participant in the affairs of the highest law-making body of the nation until 1814, when he resigned. During the war of 1812, Chancellor Bibb in the senate, and William Lowndes and John C. Calhoun, of South Carolina, and Henry Clay, in the house of representatives, formed

what was called the "war mess" of the Madison administration—from having supported the war and the president with such great talent, vigor and zeal.

On his retirement from the senate Chancellor Bibb resumed the private practice of law in Lexington and in 1816 removed to Frankfort, where he was connected with the most important litigation of the courts of that city. He was one of the most prominent lawyers who espoused the cause of the "Relief" and the New Court. On the 5th of January, 1827, he was again appointed chief justice by Governor Desha and discharged the duties of that position until December 23, 1828, when he again resigned, to accept the office of United States senator, to which he was elected for a full term of six years, 1829–35. In 1823 he was elected one of the commissioners,—his associate being Henry Clay,—to go to Virginia and to the United States supreme court to maintain the validity of the occupying claimant laws. From 1835 to 1844 he held the important position of chancellor of the Louisville chancery court, which he resigned to become United States secretary of the treasury in the cabinet of President Tyler, holding the position until the close of the administration March 4, 1845. The remainder of his life was devoted to the practice of law in the District of Columbia, most of the time in the position of chief clerk in the department of the United States attorney general, but really doing the duties now required of the assistant attorney-general,—an office established for the very labors performed by him.

Chancellor Bibb was prominent in all circles and was one of the leaders of the Masonic fraternity, holding for four years—from 1804 to 1808—the office of grand master of the Grand Lodge of Masons of Kentucky, an honor conferred upon no one else in the state. He was a profound scholar and great mathematician as well as an eminent jurist, and in public and professional life ranked among the truly great men of his times.

RICHARD A. BUCKNER, judge of the Kentucky court of appeals, was born in Fauquier county, Virginia, in 1783. He was liberally educated and in 1803 he removed with his father's family to Green county, Kentucky, where he was admitted to the bar. For a time, however, he taught school, making little advance in his profession until 1811, when he located in Greensburg. From that time his law practice was large and lucrative.

He served as county attorney of Green county and for several years was commonwealth's attorney. He won fame as the prosecuting attorney in the famous trial of Alexander Hamilton for the murder of Dr. Sanderson, in Glasgow, in 1818, and was retained as counsel in many other cases of renown. In 1813 he was first elected to the legislature, was re-elected in 1815, and was elected to congress, serving in for all six years, 1823 to 1829. December 31, 1831, he was appointed associate judge of the court of appeals, but shortly afterward resigned. He was again called to service in the state legislature on several different occasions, serving his last term in 1838–9. In 1832 he was the nominee of the Whig party for governor, and in one of the most exciting contests in the history of the state was defeated by a small majority by John Breathitt, the Democratic candidate. In 1836 and 1840 he was presidential elector, supporting General W. H. Harrison on both

occasions. At the time of his death, December 8, 1847, he was serving as judge of the circuit court of his district. He was one of the most upright and gifted lawyers of Kentucky, whose superior powers made him the peer of the ablest of the Kentucky bar.

His sons, Richard A. Buckner, Jr., and Aylette Buckner, both achieved distinction at the bar.

RICHARD A. BUCKNER, JR., of Lexington, was born in Green county, Kentucky, on the 3d of December, 1813, a son of Richard A. and Elizabeth Buckner. His education was obtained in Center College, of Danville, and St. Joseph's College, of Bardstown, Kentucky, being graduated in the latter institution in 1831. He at once turned his attention to the profession in which his father had won renown, studying law in Greensburg, later in Lexington and afterward in Transylvania University, where he was graduated with the class of 1837. The same year Mr. Buckner began practice at the Lexington bar, and the scope of his legal power and ability enabled him soon to command a large law business. In 1839 he was appointed commonwealth's attorney, and by re-appointment held that office until 1842, when he was appointed circuit judge, serving on the bench until 1851. In 1859 he was chosen to represent his district in the general assembly, was re-elected in 1861 and during the latter term was speaker of the house. In 1863 he was nominated for congress, but was defeated by Brutus J. Clay. He was a Whig and supported Henry Clay for the presidency. During the war he supported the cause of the Union. He is still (1897) an honored and eminent member of the Lexington bar, but withdrew from practice several years since.

AYLETTE BUCKNER, brother of the foregoing and son of Richard A. and Elizabeth Buckner, was born in Green county, Kentucky. He obtained a good education, and under the direction of his father pursued the study of law. Admitted to the bar at Greensburg, he successfully engaged in practice in Kentucky for some time. He represented his native county in the general assembly and his district in congress, 1847 to '49. He made the race for the succeeding term, but on account of his free-soil views was defeated. He removed to St. Louis, where he remained until about 1864, when he returned to Lexington. His health was then broken and permitted him to practice only at intervals. He died at the home of his brother Richard in Lexington.

JAMES SIMPSON, judge of the court of appeals of Kentucky, and one of the most distinguished jurists that the state has produced, was born March 16, 1796, in Belfast, Ireland, and died on the 1st of May, 1876, in Winchester, Kentucky. His father, James Simpson, Sr., a man of classical education and broad mental culture, became a minister of the Presbyterian church and was also an educator of note. On account of political complication he was obliged to flee from Ireland, and embarked for America with his wife and family when the future chief justice was but eighteen months old. As he stood on the deck of the vessel which was to bear him to freedom and future prosperity, the last sight which met his gaze was his old home in flames, enkindled by the hands of his enemies! The vessel on which he embarked bore him in safety to the shores of the new world, and he took up his residence in Pittsburg, Pennsylvania, where he

remained for about ten years. During that time his wife died. With his children he removed to Clark county, Kentucky, and from that time on Judge Simpson was a resident of this state.

James Simpson attended the common schools, but the greater part of his education was acquired under the direction of his father, who was well fitted to train the young mind and shape its habits of thought. The son was of a very studious disposition, and his eager desire for knowledge, supplemented by a retentive memory, enabled him to acquire a fund of information far in advance of many who had much superior school privileges. He read the Latin classics in the original and was well informed on all subjects now usually embraced in a high-school course. He was ambitious, and with one object in view pursued his course from the earliest days of his intellectual development to fit himself for the practice of law.

On the 18th of February, 1817, before attaining his majority, he applied to the county court for a certificate showing him to be "a person of honesty, probity and good demeanor," which was granted him, and immediately after reaching the legal age, at the first term of the circuit court, he procured a license to practice law. He had read and studied under the masterful guidance of Hon. Samuel Hanson, and his preparation for the bar was so thorough and complete that at the first term of court, after he joined the legal fraternity, he appeared as attorney in a number of cases. For ten years he was associated in practice with Hon. Chilton Allen, and almost from the beginning of his professional career he had an extensive clientage. He was a man evidently marked out for greatness, and his career was one unbroken series of splendid successes. His fitness for political honors and his ability to meet the weighty questions which affect the welfare of the commonwealth led to his being elected twice to the general assembly of the commonwealth, where he was one of the leading members on the floor of the house. In 1860, on account of the gravity of the political situation growing out of the secession movement, he was elected to the state senate. He served one term in that body during those exciting days, and it was largely through his instrumentality that the state remained in the Union, and he cast her influence with that side. Except as a representative in the lower house and in the senate of Kentucky, he held no political office. In 1835 he was appointed judge of the circuit court to succeed the Hon. Richard French, occupying the circuit-court bench until 1847. His course was such as to add honor and dignity to the office with which he was honored, and he won the confidence of the bar and the public by his upright and unflinching administration of justice and the wisdom of his decisions.

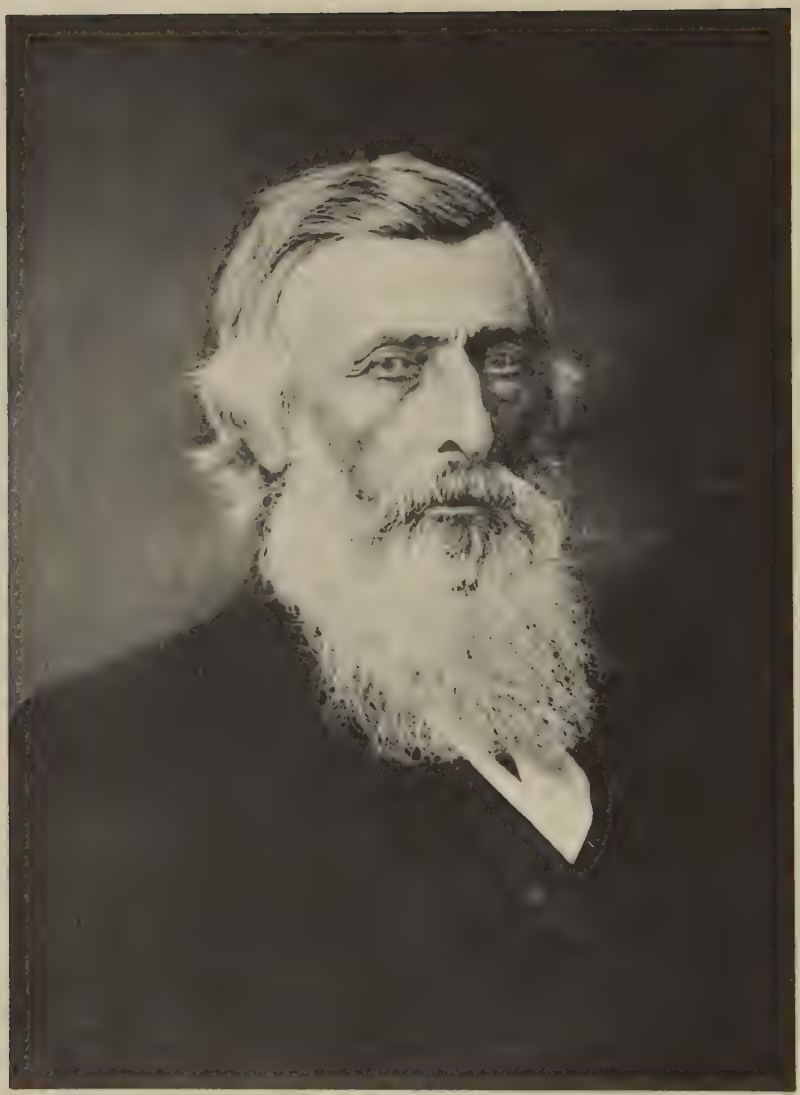
The masterful ability of Judge Simpson insured him still further honors, and in 1847 he received an appointment to the highest judicial body of the state, being made associate justice of the court of appeals. He served thus until the adoption of the new state constitution in 1850 and thereafter was one of the four justices of the new court and filled the exalted position of chief justice of the court for two years. In 1852 he was elected to the supreme bench for another term of eight years, during which time he again served for two years as chief justice. On the expiration of his term in 1860 he declined to enter on a political contest for re-election, being conscientiously

opposed to making judicial office a football of party prejudice or favor. Devotedly attached to his profession, systematic and methodical in habit, sober and discreet in judgment, calm in temper, diligent in research, conscientious in the discharge of every duty, courteous and kind in demeanor and inflexibly just on all occasions, these qualities enabled Judge Simpson to take first rank among those who have held the highest judicial office in the state, and made him the conservator of that justice wherein is the safeguard of individual liberty and happiness and the defense of our national institutions. His reported opinions are monuments to his profound legal learning and superior ability, more lasting than brass or marble and more honorable than battles fought and won. They show a thorough mastery of the questions involved, a rare simplicity of style and an admirable terseness and clearness in the statement of the principles upon which the opinions rest. He fully comprehended and carried into practice Justinian's noble summary of the law's precepts: "*Juris precepta sunt haec: honeste rivere, alterum non cædere suum emque tribuere.*" No judge of the court of appeals has evinced a clearer knowledge, a livelier conscience, a more industrious application than Judge Simpson.

On the 22d of November, 1840, the Judge united with the Presbyterian church, and in 1856 became an elder in the same. He exemplified in his life that Christian spirit which ennobles those who truly follow in the footsteps of the lowly Nazarene, and endears them to their fellow men. His sage counsel, noble example and devotion to the best interests of the church make him a pillar of strength in upholding all that is best in life, and he breathed his last with a smile of infinite peace and content stamped upon his face, saying, "The door is open; I must go in."

In early life Judge Simpson gave his political support to the Whig party, and on its dissolution became a Democrat, while during the war he was a conservative Unionist, but after the war was identified with the Democratic party until his death. He, however, took but little part in politics, aside from voting and lending his influence to the measures best calculated to enhance the best interests of his city, county and state.

On the 22d of February, 1825, Judge Simpson was united in marriage to Miss Mary L. Caldwell, a daughter of Robert and Fanny (Irvine) Caldwell. The latter was a daughter of Colonel Christopher Irvine, of Richmond, Kentucky, and his wife was a daughter of Colonel Richard Calloway, and one of the three girls who were in the fort at Boonesboro with Daniel Boone in the early days of Kentucky's history. They were captured by the Indians, but after three days were recaptured. Robert Caldwell was an own cousin of John Caldwell Calhoun, the distinguished South Carolina statesman. Judge Simpson died at his home in Winchester, Kentucky, on the 1st day of May, 1876, in the eighty-first year of his age. At his death Judge Simpson left two sons and three daughters, the latter being Fanny I., who married Samuel F. Taylor and is now Mrs. Bottaile; Mary H., wife of James T. Thornton, of Kansas City, Missouri; and Carrie, wife of John A. Mills, of Winchester. The sons are Isaac P., a lawyer of San Antonio, Texas; and James D., a member of the Clark county bar, cashier of the Citizens' National Bank and president of the Safety Building and



B. J. Peters

Loan Association of Winchester. For a number of years he was engaged in active practice, but for the past twenty years has devoted his attention to other business pursuits.

On the death of Judge Simpson many resolutions were passed, indicating the high respect and honor in which he was held throughout the state, and the sincere grief that was felt at his demise. The court of appeals assembled in Frankfort, May 4, 1876, to take action thereon, and the resolutions which they passed included the following:

"Resolved, That in the death of Judge Simpson the profession of which he was an ornament has lost one who was an upright judge, an able jurist and a zealous advocate. Society has been deprived of one of its purest members and his family of a devoted and exemplary head."

At a meeting of the bar of Winchester, over which presided General John B. Huston, the following resolutions were passed:

"Resolved, That as a member of the legal profession he illustrated in his long, successful career the noblest qualities in rarest combination; always true to his trusts, and competent to his task, kind and courteous to his associates, ever ready to help those beneath him on the ladder, and to give to them freely of his great abundance.

"That in his long and distinguished services, whether as judge of the circuit court, or of the court of appeals, he justly earned for himself an honorable and enduring fame secured to none in the annals of the commonwealth.

"That in him we recognize not only the accomplished jurist but also the citizen without reproach, whose private life has been blameless, and whose public career has added another star to the constellation of our country's honored names.

"That as younger members of the profession we pay a cordial tribute to his memory for many acts of personal kindness and words of friendly counsel. We accept the model which his life and character offer to us in all their harmonious and just proportions, and along the pathway of professional duty will turn to it and gather fresh encouragement and inspiration."

BELVARD JANUARY PETERS, ex-chief justice of the court of appeals, the oldest representative of the bar of Kentucky and for many years one of its most distinguished members, was born in Fauquier county, Virginia, on the 3d of November, 1805. Some years since he retired from active practice, but few lawyers have made a more lasting impression upon the bar of the state, both for legal ability of a high order and for the individuality of a personal character, which impresses itself upon a community. Of a family conspicuous for strong intellects, indomitable courage and energy, he entered upon his career as a lawyer, and such was his force of character and natural qualifications that he overcame all obstacles and wrote his name upon the keystone of the legal arch.

His ancestral history is connected with Scotland, whence his grandfather, John Peters, in early colonial days, crossed the Atlantic to America, accompanied by his brother, who settled in Pennsylvania, while John took up his residence in Virginia. The maternal great-grandfather of Judge Peters, Captain John Ashby, was descended from English ancestors who came to America immediately after the English revolution of the

seventeenth century and the deposition of King Charles I,—Edward Ashby, the first emigrant, having been an officer in that sovereign's army and called a cavalier. In 1774 Captain John Ashby came to Kentucky and entered twenty-six hundred acres of land in Woodford county, receiving the same as bounty for services in Braddock's war. In the division of his possessions, according to the terms of his will, he left a farm to William Peters, who located thereon in 1809.

Judge Peters of this review was then a child of four years, and on that old home place he was reared to manhood. His education was obtained in the common schools of Woodford county and in a celebrated institution of learning of that day known as Buck Pond Academy and conducted by Dr. Lewis Marshall, father of Thomas F. Marshall and a brother of Chief Justice John Marshall of the United States supreme court. There Judge Peters prepared for college and entered the sophomore class of Transylvania University, at Lexington, where he was graduated three years later, with the class of 1825. Many of his classmates afterward attained prominence in state or nation, including Jefferson Davis, president of the Confederacy; Hon. George W. Jones, of Dubuque, Iowa, United States senator from that state, and, with the exception of the Judge, now the only member of the class living, 1896; United States Senator D. L. Atchison, of Missouri; W. A. Henry, known as the "eagle orator of Tennessee," a lawyer of great prominence in that state and a senator in the Confederate congress.

After the completion of his literary education Judge Peters was sent by his father to the home of Chief Justice John Boyle of Kentucky, to read law under the supervision of that able jurist in Mercer county, Kentucky, and in February, 1827, was admitted to the bar of Kentucky. Almost seventy years have passed since he began practice in Owingsville, Bath county, and to-day this venerable man is living—honored by all—while upon the judicial history of the state the impress of his individuality is ineffaceable. He soon gained a high reputation and a lucrative practice, and continued in Owingsville until 1834, when he removed to Mount Sterling, where he has since made his home. Here he was soon established in a good business, and at the same time he continued practice in Owingsville. In 1829 he was elected by the county court of Bath county to the position of county attorney, and in 1833 was elected to the same office by the county court of Montgomery county. For fifteen years he occupied both positions, and then resigned the office in Bath county, but retained the incumbency in Montgomery county until 1845, when he also resigned that place in order to accept the nomination of his district for the legislature, to which he was elected on the Democratic ticket, although the county had been a Whig stronghold previous to that time. In the general assembly session of 1845-6 he was chairman of the committee on morals and served on other important committees. At the close of his term he was tendered a renomination by both political parties, but declined the candidacy, preferring to pursue the practice of his profession as more congenial and profitable.

The next office to which Judge Peters was called was that of clerk of the circuit court of Montgomery county, in which capacity he served for four years,—to his own financial detriment. He declined a renomination and once more resumed private practice. In 1851 he was an independent

candidate for the position of circuit judge, but was defeated. In 1860 he was nominated by the Democracy for the office of judge of the court of appeals and was elected, having a majority of twelve hundred and ninety-three in his district, which at the election of the year before had given a majority of two thousand against the Democratic nominee for governor. He remained on the bench of the highest court of his state until 1876, and during the last two years of his service was chief justice the second time. Having passed his seventieth year at the time of his retirement from office, he declined a re-election with the intention of laying aside all professional care, but on his return to his home in Mt. Sterling he found that many of his old clients still desired him to act as their legal adviser, and for some time he continued to practice at the bar of his district. The last suit with which he was connected was a case in 1894, wherein he represented Mrs. Anna Magowan Brooks in the circuit court of Montgomery county.

In 1831 Judge Peters was united in marriage to Miss Elizabeth Farrow, daughter of Kenaz Farrow, a lawyer of note, who served as judge of Montgomery county, and was a representative of a prominent family of Virginia. Her mother belonged to the French family which furnished to the Kentucky bar some of its most illustrious members, including James French, judge of the quarterly court. Her grandmother was a sister of the Calloway girls, whose capture by the Indians in Kentucky has become a matter of history. Mrs. Peters died June 18, 1894, after nearly sixty-three years of happy married life, forty-eight years being passed in the house now occupied by the Judge. They had no children, and Judge Peters is still living (1897) on his home farm with his nephews.

In May, 1833, after reading the arguments of Alexander Campbell in favor of its doctrines, he joined the Christian church, and for sixty-three years has been one of its most faithful members, while for many years he served as an elder in the church. It is seldom that one attains the venerable age reached by Judge Peters, and the reverence and respect given him is the fitting reward of a life that has been almost blameless in its devotion to all duties, whether of a public or private nature. His career on the bench added new honor to the high reputation which the bar of Kentucky sustains; in matters of home, church or state, he has ever been true and honorable; and long after he shall have passed away his memory will be cherished and his influence will remain as a blessed benediction to those who knew him.

HENRY J. STITES, chief justice of the court of appeals, was born in Scott county, Kentucky, in 1816, and died in Louisville, Kentucky. His father was Abram Stites, son of Dr. John Stites, who came to Kentucky from New Jersey about 1808, Abram Stites following, after completing his law studies in New Jersey. On coming to Kentucky the latter located first in Scott county, where he married Miss Ann Johnson, daughter of Captain Henry Johnson, a Revolutionary officer, who had located in Scott county in 1818. He removed to Christian county and entered in the practice with Robert P. Henry, but was appointed clerk of the county court for Christian county, which office he held for about twenty years.

Henry J. Stites was educated in the schools at Hopkinsville. He entered into mercantile business at an early age and was successful in that pursuit. His temperament was not suited, however, to a long continuance in trade and he determined to become a lawyer, taking up the study while still pursuing his business career. After about three years of reading and preparation he was examined and admitted to the bar in 1841. He entered into partnership with a practicing lawyer at Hopkinsville and was a successful practitioner there for some years. In 1848 he was presidential elector on the Cass ticket, and made a canvass of his district—this being the only political office to which he ever aspired and the only time in his life in which he appeared before the people in advocacy of any political tenets of party.

In 1850, on the adoption of the constitution framed by the convention of 1849, Mr. Stites was elected circuit judge, and in 1854 he was elected to the bench of the appellate court, resigning the office of circuit judge to enter upon the canvass for the election to the higher office. He served as chief justice during the trying period of 1861–62, and declined a re-election. Harassed because of his neutral position as a Unionist,—being opposed to coercion,—he absented himself from the country and resided in Canada until 1866, when he took up his residence in Louisville, where he entered on the practice. In 1867 he was appointed by Governor Stevenson to a vacancy in the office of common-pleas judge, and was three times elected to fill the same, his last term of office expiring in 1886. Judge Stites had a record of over thirty years' service on the bench, and was regarded as one of the best jurists the state has produced; clear in his understanding and elucidation of all subjects, honest and intrepid in the discharge of his official duties.

He was twice married. In 1841 he wedded Mary Jane Sharp, daughter of Dr. Sharp and niece of Solomon P. Sharp, one of the noted lawyers of the state. After her death he was married, in 1876, to Mrs. Caroline M. (Sharp) Barker, a sister of his first wife.

ZACHARIAH WHEAT was born July 26, 1806, in Bourbon county, a son of Zachariah and Elizabeth (Kennedy) Wheat, Virginians who emigrated to Kentucky at an early date. He learned the saddler's trade, and in 1828 he began the study of law with Cyrus Walker, of Columbia, Kentucky, was admitted to the bar and commenced the practice in Adair and adjoining counties. He was appointed commonwealth's attorney by Governor Thomas Metcalfe and held the office through several administrations. He resigned the office and was again appointed by Governor Robert P. Letcher and held it when appointed circuit judge by Governor John J. Crittenden in 1848. He served as circuit judge until the adoption of the constitution of 1849, when he was elected by the people to the same office without opposition. He declined a re-election on the expiration of his term. June 15 1857, he was elected judge of the court of appeals from the third appellate district to fill the vacancy caused by the death of Judge B. Mills Crenshaw, by a vote of 9,477 to 9,440 for Joshua F. Bullitt; but on offering for re-election August 2, 1858, he was defeated owing to his having joined the American party. He resumed the practice at Columbia, where he remained

until 1861, when he moved to Shelbyville, where he engaged actively in practice.

He was a man of fine physique, over six feet high, very erect and of admirable bearing. Without pretense to oratory, he was a speaker of more than ordinary ability.

CASWELL BENNETT, chief justice of the Kentucky court of appeals, was born in Halifax county, Virginia, August 27, 1836, and died August 9, 1894. He was of Scotch lineage and a son of Ambrose Bennett, a lawyer, who for many years also followed farming in Halifax county. Judge Bennett was liberally educated in the schools of his native county, and continued his studies in Millwood College, in Tennessee. He attended a law college in Lebanon, Tennessee, and subsequently read law under the preceptorage of Judge Joseph R. Underwood, of Bowling Green, Kentucky, and later under the direction of Hon. F. H. Bristow, being admitted to the bar in 1857. He located at Smithland, and was soon in command of a fair practice. In 1867 he was elected circuit judge of the third judicial district, and on the expiration of his first term was re-elected without opposition. He was elected judge of the court of appeals in 1886, and in 1892 became chief justice. His career on the bench added new honors to the reputation which he had already won as a jurist. At his death the bar of the state and the court of appeals adopted the following resolutions:

"The Hon. Caswell Bennett, late chief justice of the court of appeals of Kentucky, was born in Virginia, but came early to Kentucky and spent his boyhood and young manhood in the struggle of ambitious and honest poverty for preferment. Upon his admission to the bar he soon acquired a lucrative practice and won and held in an eminent degree the confidence and esteem of a generous but discriminating people. His mind was eminently a judicial one, and it was on his elevation to the bench of the court of appeals that the opportunity came, in the full maturity of his powers, for the illustration of his worth as a man, his ability as a lawyer, his breadth and reach as a publicist and jurist. He served eight years on the bench of the supreme court, and in that time had deep impress upon the current of judicial thought and tendencies. As a man he was upright, fearless, true to his convictions and impatient of wrong and injustice; as a friend he was loyal to a fault; as a lawyer, careful, wary and resourceful; and as a judge, patient, learned, industrious and intrepid. In his death the bench and bar of Kentucky have sustained an irreparable loss."

Judge Bennett was married in 1867 to Miss M. T. Cruce, daughter of James W. Cruce, of Crittenden county, Kentucky.

EPHRAIM M. EWING, the chief justice of the Kentucky court of appeals, was born December 4, 1789, in Davidson county, Tennessee, and died June 11, 1860. His father, General Robert E. Ewing, was a distinguished Revolutionary officer.

The Judge acquired a fine literary education and pursued his law course in Transylvania University. He became one of the most distinguished jurists of Kentucky, and made his home in Russellville. For many years he was prosecuting attorney under Judge Broadnax and was the representative of his district in the legislature for several terms. In 1835 he was appointed one of

the associated judges of the court of appeals, became chief justice in April, 1843, and served with distinction in that capacity until June, 1847, when he resigned and resumed the practice of law. In 1850 he was appointed by Governor Crittenden as one of the commissioners to codify the statutes. In 1821 he was presidential elector, and again in 1833. Judge Ewing was a man of liberal culture and broad mind, a warm friend of the cause of education, and at his death left a handsome bequest to Bethel College, of Russellville, and also to Cumberland University, in Lebanon, Tennessee. He married Jane McIntyre. He left to his family a handsome property, the result of his large law practice. He was a man of finely balanced mind, an able and learned lawyer and one of the most just and upright men that ever lived in southern Kentucky.

ALVIN DUVALL, chief justice of Kentucky, and for many years a member of the Frankfort bar, was born in Scott county, Kentucky, near Georgetown, March 20, 1813. He attended the common schools and graduated in 1833 at Georgetown College; studied law under James F. Robinson, of Georgetown, after which he entered Transylvania University, of Lexington, where he was graduated in March, 1840.

Mr. Duvall practiced law with success until 1852, when he was appointed circuit judge of his district to fill out the unexpired term of Judge Reid. His time expired in 1856 and the same year he was elected to the court of appeals, for eight years, filling the position of chief justice during the last two. He was a candidate for re-election in August, 1864, but General Burbridge, who was then commanding the state, ordered his name to be stricken off the poll-book, on account of disloyalty to the federal government. The same military officer also ordered the arrest of prominent men in the district, including Judge Duvall, who, however, advised by friends, made his way to Canada, where he remained for two months. He then returned to Georgetown, and in the fall of that year resumed the practice of law. In 1866 he was appointed reporter of the decisions of the court of appeals, and his two published volumes are known as the First and Second Duvall. Soon afterward he was made the nominee of the Democracy for clerk of the court of appeals. The opposition to the party had been very bitter in many districts, but he carried the state by fifty thousand votes, the largest majority ever given a candidate at that time. He had represented his district in the legislature in 1850. He was regarded as one of the ablest jurists of the state, his opinions on the circuit and appellate benches were widely quoted as authority, and he was the acknowledged peer of any of Kentucky's renowned jurists. He was a student through life, a classical scholar, a graceful and fluent writer and an eloquent and convincing speaker.

In 1843 he was married, in Georgetown, to Miss Virginia Holtzclaw.

ASHER W. GRAHAM, judge of the court of appeals, was born May 17, 1799, in Rockingham county, Virginia. His father moved to Kentucky when he was seven years old and settled finally at Bowling Green. His early education was secured at the hands of Rev. John Howe, at Queensburg, Kentucky. He studied law under the guidance of Solomon P. Sharp and was admitted to the bar in 1820, entering at once

upon the practice, in which he achieved fame and secured the confidence of the people. He was appointed judge of the circuit court in 1831 by Governor Thomas Metcalfe, resigned in 1837, and was re-appointed by Governor James Clark. On the 1st of May, 1849, he was appointed by Governor John J. Crittenden to the appellate bench. He retired from office on the adoption of the constitution of 1850, and was again elected judge of the circuit court of the Bowling Green district. He died in October, 1866. Further details of his life and character will be found in the article on the Bowling Green bar.

BEN MILLS CRENSHAW was chief justice of the court of appeals at the time of his death in 1857. He was a resident of Barren county, Kentucky, and represented that county in the house at Frankfort from 1840 to 1842; he was state senator from the district including Barren county from 1844 to 1848; and was presidential elector for the first district of Kentucky at the election of 1844, casting his vote for Henry Clay, James K. Polk being the successful candidate. While in the state senate he was a member of the committee that reported adversely to the confirmation of the appointment of George B. Kinkead to succeed Ben Hardin as secretary of state in the historical contest between Governor William Owsley and Mr. Hardin in the effort of the former to remove the latter from office.

On the 12th of May, 1851, Mr. Crenshaw was elected to the court of appeals bench, at the first election held after the adoption of the constitution of 1849, and died in office May 5, 1857. He had become chief justice in 1856. Judge Crenshaw was highly esteemed in his home county and by the bar throughout the state.

HENRY C. WOOD, of the court of appeals, was born at Munfordville, Hart county, November 27, 1821, and died in Louisville, February 11, 1861. He graduated at Center College, Danville, in 1841, and entered on the practice of law in his native county, meeting on the circuit such lawyers as J. R. Underwood, Elijah Hise and others of great ability. He was county attorney for Hart county, and representative in the legislature in 1848. In 1850 he removed to Louisville, and was associated with William F. Barrett, taking rank as one of the leading lawyers of that city. He was elected to the court of appeals bench from the Louisville district in August, 1858, for a term of eight years, and died in office. He was of delicate physique, but of great energy, working with untiring zeal. His decisions display profound research.

JOSHUA FRY BULLITT, of Louisville, chief justice of Kentucky, was born February 22, 1822, and descended on the paternal side from Captain Thomas Bullitt and on the maternal side from Joshua Fry. He was educated at Center College, Danville, at the University of Virginia studied law and was admitted to the bar in 1844. In 1851 and 1853, he represented the city of Louisville in the legislature, and in 1861 he was elected to the court of appeals bench to fill the vacancy caused by the death of Judge Henry C. Wood.

In July, 1864, he was arrested under instructions of General Sherman to General

Burbridge, with a large number of prominent citizens of the state. About the same time Judge Alvin Duvall, whose term on the court of appeals bench was about to expire, was a candidate for re-election in the second district, and his name was also among those listed for arrest. He left the state to avoid being incarcerated or tried by a military tribunal, and by the military authorities his name was stricken off the list of candidates to be voted for. These two instances of interference with the highest judiciary officers of the state by the military authorities deserve record in a volume of this character. On the 22d of November, 1864, Judge Bullitt and others, who had been arrested in July and August as southern sympathizers, and sent to Memphis, Tennessee, with a view ostensibly of transferring them into the military lines of the Confederacy, were returned to Louisville, and Judge Bullitt on December 6, 1864, resumed his place on the bench, where he remained discharging his official duties until December 24, 1864.

On the 4th of January, 1865, in a convention of the Radical Union party at Frankfort, the appearance of Judge Bullitt on the bench was denounced as an outrage on all propriety and a demand was made on the public authorities, both federal and state, that they "take notice of the notorious circumstances existing concerning him." In the same convention General S. G. Burbridge, who was in command of the military district which embraced Kentucky, stated that Judge Bullitt's return to Kentucky was by an exchange of prisoners between Confederate General Forrest and federal General Washburne, that "he was liable to re-arrest, ought to have been re-arrested and hung, and would have been arrested had he not escaped." Judge Bullitt, having well-founded fears for his personal safety, had left Louisville, December 27, and taken up his abode in Canada. On the 3d of June, 1865, he was declared formally removed from the office of judge of the court of appeals for the third district and chief justice of the court, in accord with the address of the legislature in such case. This event is the only one in the judicial history of the state where a judge of its high courts has been removed. Space will not permit of a more extended notice of the details of this interesting case, but, as affording an insight into the methods adopted even by civilized countries—not Cuba—in time of war, the history of 1864 and 1865 is commended to the interested student, and the archives of the legislature for the period referred to will furnish material for thought. A few extracts from Judge Bullitt's letter, under date of May 24, to Governor Thomas E. Bramlette will be sufficient here:

"I was compelled to leave the state to avoid arrest and trial by a military commission for an alleged offense over which the federal courts had jurisdiction. I was driven from the state by lawless violence. * * * I determined to give to the general assembly of the commonwealth an opportunity to decide the question whether they would rebuke the violence with which the state has long been outraged in the persons and property of its citizens, by refusing to entertain the charges against me during my enforced absence, or whether they would approve that violence by trying me whilst I continued to be its victim and condemning me upon the evidence of detectives in the employment and pay of those who have thus trampled upon my rights as a citizen and officer of the state. * * * Nor am I satisfied that if I should return to Ken-

tucky I would be safe from military arrest. * * * The uncertainty of life and liberty is a natural and, perhaps, necessary result of the despotism that has been established over you which makes martial law by paper proclamation far in the rear of contending armies, and enforces it against non-combatants in communities where the courts are open and untrammeled except by the military power of the United States."

Judge Bullitt subsequently returned to Louisville, where he has since resided. On the 30th of January, 1869, he with other prominent jurists memorialized the legislature in favor of the passage of an act favoring negro testimony in the state courts, and other liberal laws toward the colored race. In 1871 Judge Bullitt was appointed one of the commissioners to revise the code of practice, and in 1876 one of the editors of the civil code. Prior to 1855, he was a Whig, but later was a Douglas Democrat, and stumped the state in 1860 for Douglas. He is fond of writing and study, a man of great force in his professional work and a successful practitioner. In the present year, 1897, he is engaged on a new revision of the code.

He was married December 6, 1846, to Elizabeth B., daughter Dr. George W. Smith, of Louisville. His brother, Thomas W. Bullitt, also a prominent lawyer in Louisville, is mentioned elsewhere in this volume.

JOHN M. ELLIOTT, judge of the court of appeals, was born May 16, 1820, in Scott county, Virginia, and died at Frankfort, Kentucky, March 26, 1879. His ancestry were Scotch, of whom the first immigrants to this country settled in Virginia early in the seventeenth century. The father of John M. Elliott, John Lloyd Elliott, was a farmer in Lawrence county, and represented the same in the house of the Kentucky legislature in 1836 and 1837, and also served in the senate from 1851 to 1853. He was a man of high standing and influence in his district. The mother of John M. Elliott was Jane (Ritchie) Elliott, of Virginia.

John M. Elliott was admitted to the bar in 1843, and entered on the practice in Prestonsburg, Floyd county. He represented Floyd county in the lower house in Frankfort in 1847, was a representative in congress from 1853 to 1859, and in 1861 was again sent as representative from Floyd county to the Kentucky legislature. An indictment for treason having been returned against him in the United States district court for Kentucky, he was expelled from the house December 21, 1861. Judge Elliott had joined the southern cause and was returned by the Kentucky electors to the congress of the Confederate states, continuing in that body, by subsequent elections, throughout the war, on the close of which he returned to Kentucky and resumed the practice of his profession at Owingsville, Bath county. In 1868 he was elected judge of the circuit court and held that office until September, 1874. In August, 1876, he was elected judge of the court of appeals and was filling that office at the time of his tragic death.

On his way from the court-house to his hotel immediately after the court had adjourned, at about one o'clock P. M., March 26, 1879, Judge Elliott was intercepted on the steps of the Capital hotel, and, without any warning whatever, was shot and instantly killed by Thomas Buford, a disappointed litigant, who, as administrator for his sister,

was appellant in the cases of Buford et. al. versus Guthrie, and Buford et al. versus Guthrie et al., reported in 14 Bush, 677–690.

The news of the death of Judge Elliott created a profound sensation in the state and throughout the civilized world. It is believed that history records but one similar occurrence, which was the killing of Sir George Lockhart, president of the court of sessions, in Edinburgh, Scotland, in 1689. The following resolution, adopted at a meeting of the bar by representative members, was spread upon the order book of the court of appeals:

"*Resolved*, That the members of the bar and officers of this court, profoundly impressed by the death of John Milton Elliott, late an associate justice of the court of appeals, who was killed while in the discharge of his official duty, and on account thereof, by a disappointed litigant, express the high consideration they entertain of the integrity, dignity, impartiality, love of justice and strong common sense which marked his character as a judge and as a man." *

Judge Elliott was a man of excellent traits of character, brave and manly, sincere and outspoken, gentle in manner, yet firm in the discharge of his duty. He gained a high place in his profession by hard work and by evidencing his ability to fill the positions with which the people entrusted him. In 1848 he was married to Miss Susan J. Smith, daughter of William M. Smith, of Prestonsburg.

* NOTE.—Thomas Buford was indicted for the murder of Judge John M. Elliott in the Franklin criminal court, April 28, 1879, and on the application of the defendant the venue was changed to the Owen circuit court. After a protracted trial in the Owen criminal court, on the defendant's plea that he was not of sound mind at the time he killed Judge Elliott, the jury returned the following verdict July 23, 1879 to-wit: "We, the jury, find the prisoner, Thomas Buford, guilty, as charged in the indictment, and affix, his punishment at imprisonment for and during his natural life in the Kentucky state penitentiary."

WILLIAM LINDSAY, United States senator from Kentucky, and ex-chief justice of the court of appeals, was born in Rockbridge county, Virginia, September 4, 1835, and is a representative of one of the old families of that state, which saw its establishment in the new world in the latter part of the eighteenth century.

The ancestry is Scotch, and the grandfather, James Lindsay, was born in 1773, on Dykehead farm in Lanark county, Scotland, where he spent the first seventeen years of life. He then sailed for America, taking up his residence in Rockbridge county, Virginia. He followed farming as a life work, and on the 30th of June, 1797, married Agnes McCambell, who was born in Rockbridge county, December 24, 1775, and was descended from Scotch-Irish Presbyterian ancestry. Andrew Lindsay, the father of Judge Lindsay, was born in the same county, October 6, 1809, the fifth child and third son in a family of nine children. All his life he spent in his native county pursuing the vocation of a farmer, and by his devotion to public and private duty won the respect of all with whom he came in contact. In January, 1834, he married Sally Gilmore Davidson, whose ancestors—Scotch Presbyterians—had come to the Old Dominion as early as 1745, and taken an active and prominent part in those events which form the pioneer history of the state. Mrs. Lindsay, who was born October 7, 1809, died January 7, 1845, and Mr. Lindsay chose for his second wife Mary F. Gilmore. By each marriage he

William Lindsay

had four children. His second wife died April 16, 1878, and his own death occurred on the 4th of July, 1883.

The eldest of the family is Judge William Lindsay, whose name introduces the initial paragraph of this review. In his parents' home he spent his boyhood days and completed his literary education by a course in the high school of Lexington, Virginia. As a preparation for a professional career he became a law student of Judge John W. Brockenborough, of Lexington, Virginia, where he remained until 1854, when he removed to Hickman county, Kentucky. There he studied law under the direction of Judge Edward Crossland, of Clinton, and in 1858 successfully passed an examination which secured his admission to the bar. Immediately thereafter he began practice, his field of operation being Hickman and the surrounding counties, where his ability was winning him substantial recognition in a liberal patronage when the controversy between the north and the south on the slavery question and the right of a state to withdraw from the union precipitated the civil war.

True to the section of the country in which he was reared, and the principles with which he had been familiar from earliest youth, Judge Lindsay joined the army of the Confederacy in May, 1861, entering the service as a private. Meritorious conduct on the field of battle, however, soon won him promotion and he was made lieutenant of Company B, Twenty-second Tennessee infantry. Again he was promoted, and with the rank of captain he led his men in the battle of Belmont, Missouri, in November, 1861, also at Shiloh in April, 1862. After the latter engagement his company, which was composed entirely of Kentucky volunteers, was transferred to a regiment from that state, and Mr. Lindsay was from that on with the valiant Seventh Kentucky Infantry, serving as staff officer with the brigade commanders, General Abe Buford, General H. B. Lyon, Colonel Thompson and Colonel Crossland. At the close of the war he was paroled at Columbus, Mississippi, May 16, 1865.

The career of Judge Lindsay in public office has covered many years of his life, and his election has been the expression of his fellow citizens showing their appreciation of his devotion to public interests. At the close of the war he returned to Hickman county, and resumed the practice of law, but in August, 1867, was made the representative of Fulton, Hickman and Graves counties in the state senate, serving one term. In August, 1870, he was elected one of the judges of the court of appeals, serving on the bench until September, 1878, and as chief justice of the state during the last two years of his term. He declined a re-election and retired to private life. He is recognized as one of the most capable jurists that has occupied the highest judicial position in the state; his course was marked with an unswerving fidelity to duty and a full appreciation of the responsibility which rested upon him as the conservator of human justice. He wrote the opinion in the case of the Commonwealth versus Hawes, which involved the question of extradition, and the construction of the treaty on that subject between Great Britain and the United States, in which it was for the first time decided in any court of last resort that a person extradited for one of the causes named in the treaty could not be lawfully tried for an offense not named in the warrant of extradition, without first being afforded an opportunity to return to the

country from which he had been taken. In other states similar decisions have since been rendered and the supreme court of the nation set its stamp of approval upon the decision of Judge Lindsay in the case of the United States versus Rauscher, where a like decision was given. He brought all the powers of a strong mind, a comprehensive knowledge of law and a sound and unbiased judgment to bear upon the intricate questions that were presented before the court of appeals, and the rectitude of his public conduct was above suspicion.

In 1889 Judge Lindsay again occupied a seat in the Kentucky senate as the representative of Anderson, Mercer and Franklin counties, and in 1891 he was appointed a member at large of the World's Columbian Exposition, serving until February, 1893, when he resigned. He had been further honored in January, 1892, by an appointment, tendered him by President Harrison, to the inter-state commerce commission, and the United States senate set its seal of confirmation upon the appointment; but Judge Lindsay declined the office. When John G. Carlisle resigned his seat in the United States senate in February, 1893, to assume the position of secretary of the treasury in the cabinet of President Cleveland, Judge Lindsay was chosen by the Kentucky legislature to fill out the unexpired term, and in January, 1894, was re-elected for a full term to that office.

Judge Lindsay was married in December, 1883, to Miss Eleanor Holmes. Her beneficence is manifest in church and charitable work, while in her home her gracious hospitality and rare culture have made the Lindsay household the center of a brilliant society circle. The Judge has a daughter by a former marriage, Marion Semple Lindsay. He is recognized as one of the ablest statesmen and lawyers of Kentucky and a leader of the Democracy of the nation.

MARTIN HARDIN COFER, chief justice of court of appeals, and one of the most notable members of the bar of Elizabethtown, was born in Hardin county, Kentucky, April 1, 1832. His early life was spent upon a farm and his educational advantages limited to the common schools of the neighborhood. Before arriving at man's estate he determined to ally himself with the legal profession, and to this end he studied law while engaged in teaching school in the rural districts. He began that work when twenty years of age, and devoted his time outside of the schoolroom to the mastery of those volumes which contain the fundamental principles of the science of jurisprudence.

In 1853 Mr. Cofer wedded Miss Mary E. Bush, and soon afterward removed to Illinois, where he remained for about three years. On the 1st of April, 1856, he was licensed by the supreme court of that state to practice law, and returning to Kentucky opened an office in Elizabethtown, where he made steady and rapid progress in his profession. His superior natural talents were enhanced by his great energy, his perseverance and his close application, and at the time of the war he had a large *clientele*. He commanded respect by his upright and honorable deportment, and was regarded as one of the ablest members of the Elizabethtown bar. At the special election in June, 1861, he was a candidate for the general assembly on the states'-right ticket, and on meeting defeat at the polls, he cast his lot with the south, becoming lieutenant colonel of the Sixth Kentucky regiment of the

Confederate service. With the exception of the battle of Murfreesboro, he participated in every engagement with his regiment up to August 30, 1864, and was severely wounded at the battle of Shiloh. His meritorious conduct and gallantry on the field of battle won him promotion to the rank of colonel September 30, 1863, and the day before the battle of Jonesboro he was made provost marshal of the Army of the Tennessee, taking charge of the discipline and reorganization of all the troops of the department. His excellent administrative abilities were adequate to the proper comprehension and performance of his responsible duties, and with consummate skill he completed the task assigned him.

Colonel Cofer remained with the army until the close of the war, and then resumed the practice of law in Elizabethtown and in the courts of the surrounding counties. He was thus occupied until Jauuary, 1870, when Governor Stevenson appointed him circuit-court judge, which position he filled as an appointee until the following August, when he was regularly elected to that bench, serving until 1874. In August of the latter year he was elected an associate judge of the court of appeals for a term of eight years, and in 1881 became chief justice and died in office. His able, forcible and clear opinions won him distinction, and his accurate knowledge of the law and its masterful application to the questions in controversy made him the equal of any member of the Kentucky bar. He was the author of Cofer's Kentucky Digest, a work of rare merit and standard authority in Kentucky jurisprudence.

He was a Knight Templar Mason and belonged to the Methodist Episcopal church, south.

THOMAS FRAZIER HARGIS, of Louisville, chief justice of the court of appeals, was born in Jackson, Breathitt county, Kentucky, June 24, 1842, a son of John and Elizabeth (Weddington) Hargis. He was reared on a farm, educated in private schools near his home, and during the fall and winter of 1860 studied law while looking after his father's mercantile interests in Morehead.

In 1861 he entered the Confederate army as a private of the Fifth Kentucky Infantry under Colonel John S. Williams. In October, 1862, he enlisted in the Tenth Kentucky Confederate Cavalry and continued his connection with that regiment until the close of the war and participated in many important engagements. He was several times wounded and was taken prisoner, but twice made his escape from captivity, although recaptured both times. In Early's campaign against Sheridan in 1864 he commanded his regiment, and by his own bravery and zeal greatly inspired his men to heroic action.

At the close of the war Judge Hargis returned home and engaged in the study of law. He was admitted to the bar in 1866, and entered upon practice in Rowan county, in connection with Judge John M. Elliott, afterward of the court of appeals. In 1868 he removed to Carlisle, and the following year was elected county judge of Nicholas county. In 1870 he was re-elected without opposition, but resigned in 1871 and was elected to the state senate, serving a four-years' term. He was defeated for circuit judge in 1874, but was elected in 1878 by a majority of twenty-two hundred. In 1879 he was elected associate judge of the court of appeals to serve until 1884. He served as chief justice in place of Judge Martin H.

Cofer, and also for two years by his own succession. He is a Democrat in politics and is connected with the Christian church.

He was married June 23, 1869, to Miss Lucy S. Norvell, of Nicholas county, daughter of William Norvell, a prominent lawyer of Carlisle, who served in the legislature and was for two terms county judge.

GEORGE B. EASTIN, of Louisville, was born in Fayette county, Kentucky, in August, 1843, and died in Rome, Italy, in June, 1896. He was a distinguished member of the Kentucky bar and served as associate justice on the supreme bench. He was graduated in Kenyon College just before the country became involved in civil war, and went to Lexington, where he joined General Morgan's command as a private. Gallant conduct, however, soon won him promotion to the lieutenancy of his company, and later he became captain of Company D, Second Kentucky Cavalry. During Morgan's raid into Ohio, Captain Eastin was captured, and for three months was imprisoned in Camp Douglas, after which he escaped and rejoined his command.

At the close of the war Mr. Eastin went to Canada, but in 1866 returned to Kentucky and located in Louisville. The following year he was graduated at the Louisville Law School, and from that time until his death he was an active practitioner at the bar. Well versed in the principles of law, strong in argument and logical in his reasoning, he won many cases of note and was connected with important litigation. In February, 1895, he was appointed by Governor John Young Brown to a vacancy on the bench of the supreme court and afterward was the nominee for that office. In April, 1896, he went abroad with the hope of improving his health but died in Rome. He was a man of domestic tastes, a courteous and polished gentleman, and an able lawyer. He was the first president of the Confederate Association of Kentucky and served for several years in that capacity.

RUFUS K. WILLIAMS, one of the chief justices of the court of appeals, resided at the time of his elevation to the bench at Mayfield. He was a prominent figure in the western part of the state, a delegate to the Democratic national convention of 1860, in Charleston, and was one of the delegates who aided in the nomination of J. C. Breckinridge for the presidency. In 1861 he was a delegate to the border state convention in the interest of harmony and peace, and on the opening of the war espoused the cause of the Union. In 1862 he was elected for a full term of eight years to the court of appeals bench, and during the last two years of his service was chief justice. Shortly after the close of his term he withdrew from the state, removing to Utah.

MORDECAI ROBERT HARDIN, chief justice of the court of appeals and a representative of the renowned Hardin family, was for years a practicing attorney in Springfield, Washington county, where he held a leading position at the bar, filling at one time the office of commonwealth's attorney. In August, 1866, he was nominated, in opposition to Thomas A. Marshall, for the court of appeals and was elected over that popular and able jurist to a full term on the bench. He acceptably served in that capacity and during the last

two years of his service was the chief justice of the court. On leaving the bench he removed to Louisville, where he entered on the practice, but died shortly afterward.

Judge Hardin was of a poetic nature, and the author of some verses of surpassing beauty of diction and sentiment. A delightful companion, his conversation abounded in a charming wit and humor and fund of ancedote. He had a fine legal mind and his decisions are masterful presentations of the cases which were submitted to him.

WILLIAM SAMPSON, chief justice of the court of appeals, was born January 21, 1818, at Canonsburg, Pennsylvania. His father, George Sampson, who was a cabinet-maker of that then very small town, died very soon after the birth of his son William, and left a widow with two daughters and four sons, of whom William was the youngest. His father and mother were both natives of Scotland, and were old-school, psalm-singing Scotch Presbyterians, which faith the subject of this sketch embraced early in life, and to which he was faithful to the end. At Canonsburg was located the old Jefferson College, and his mother, being very poor, took students of the college to board, and thus made a living and reared her children. From his earliest youth he earned his own tuition at college by sweeping out the college building and performance of duties of that sort for that ancient institution.

Where is now located Anchorage, many years ago was the farm and homestead of Edmond Hobbs, a wealthy young farmer, who owned a large landed estate there and many slaves ; a man of high character and generous nature ; of superior intellect and attainments, and of great public spirit, many evidences of which still remain at Louisville, Kentucky, and Anchorage. In 1836 Mr. Hobbs, having recently married, and having many tenants and neighbors with children, concluded to start a school on his farm. He built a log schoolhouse, which since has been known as the starting point of several men who have made themselves useful in their day and generation. He then wrote to Jefferson College to send a young man to take charge of his school. William Sampson being then eighteen years of age and well advanced, they sent him, and he arrived at Mr. Hobbs' without one cent and scarcely a change of clothing and there began his career. He remained and taught in the log cabin (whose site is now covered by the grounds of Lakeland lunatic asylum) for five years. During that time he became acquainted with Miss Virginia Gilpin, a young lady, daughter of an old Virginia family, proud of their family name and pedigree, and of their wealth and social standing. She was the daughter of a widow, the owner of a large farm on the Ohio river in Oldham county, Kentucky, about twelve or fifteen miles from the Hobbs homestead. On the 10th day of May, 1848, after many years of courtship and waiting, he and this young lady were married. Prior to his marriage, after five years' teaching at the Hobbs' place—during which time he applied himself to the study of law—William Sampson entered the office of the circuit clerk at La Grange, and "wrote" for a while in that office and then secured a position in the office of the clerk of the court of appeals at Frankfort, and for some time he "wrote" in that office. While thus employed he procured his license to practice law and went to Mississippi, where he remained about a

year. Returning to Kentucky he met with Thomas E. Bramlette, then a young man, later governor of Kentucky. Mr. Bramlette advised him to locate at Burksville, Cumberland county, Kentucky, which he did in the year 1847. Shortly after his marriage he went to Louisville, Kentucky—in the year 1849—and became a member of the firm of Gazley, Gorin & Sampson, composed of A. M. Gazley, Frank Gorin and William Sampson, all now deceased. Some time in 1850 this firm was dissolved, and William Sampson moved to Glasgow, Kentucky, where he remained until his death.

In those days the most important branch of the law was that pertaining to real estate, and land titles and controversies. The lawyer was judged largely by his ability to most successfully manage such cases, and well might he be, as that branch of the law, though much advanced over that day, is still such as to require much careful study and thought to properly understand or apply it to any given case.

From his first location in Glasgow, Kentucky, he took a leading part in the practice, and soon ranked with his compeers of that day, among whom were many whose names are honorably connected with the growth and prosperity of Kentucky and the development of its splendid system of jurisprudence. In that day all the lawyers went around the circuit from one county to another. They then attended not only the circuit courts but the county quarterly courts of neighboring counties. In these courts (especially the county courts) much important litigation had its beginning. Men of ability and learning, and of power at the bar and in the politics of Kentucky, in that day constituted the bar of what was known as the Green river section, principally Adair, Green, Hart, Barren, Allen, Monroe and Warren counties.

In that day the bar was composed of such noted men as John L. Helm, Thomas E. Bramlette, P. H. Leslie, Zachariah Wheat, Asher Graham, Joseph H. Lewis, George Alfred Caldwell, Isaac Caldwell, Junius Caldwell, William F. Barrett, Timoleon Cravens, Elijah Hise, and many others, who, like these, have in the past exerted an important influence in the affairs of the great state of Kentucky. The lawyer most expert in the prosecution and defence of an ejectment case usually found a rich field in that section for his talent. A knowledge of surveying was very important, and was carefully cultivated by the bar.

The next most important and lucrative branch of the practice was the criminal branch, especially the defense of felony charges. These were not uncommon offenses amongst men of means and influence, consisting mostly of homicides. It was particularly to these two branches that William Sampson devoted his especial attention, and in them he was very successful, especially so as to real-estate litigation. The peculiar stolid Scotch characteristics which he possessed to a very marked degree fitted him for the combat in the court room. A strong fund of wit and sarcasm, of either of which he could make ready and effective use, coupled with a naturally analytical mind well trained by a careful study of logic and human nature, made him a very successful advocate before court or jury and upon the stump.

In politics, prior to the war, he was a Whig. In 1860 he was a Bell and Everett elector in the Green river district, and canvassed that district. When the question of secession was agitated he was opposed to it,

was in favor of maintaining the Union and believed it could and should be done without disturbing the institution of slavery. He held that the institutions of the south could not constitutionally be abolished or disturbed without the consent of the states thereto. He, however, believed that the Union should be maintained, if necessary, by the abolition of slavery. His old friend and the associate of his early days, Hon. Thomas E. Bramlette, was elected governor of Kentucky in 1861, and he was elected to the senate in 1863 from the district composed of Barren and other counties.

In consequence of the social and political disturbances in Kentucky, during the trying days from 1862 to 1865, many citizens of Kentucky who did not wish to go into the Confederate army fled to Canada, so as to be on foreign soil free from arrest on charges of political offenses. Judge Joshua F. Bullitt, who was then judge of the court of appeals of Kentucky, from the Louisville district, was one who so left for Canada, because he feared being arrested. The senate then in session made many efforts to induce him to return and assume his duties, and on his failure to do so "addressed him out of office." There being thus a vacancy in the office, Governor Thomas E. Bramlette, in January, 1865, appointed William Sampson to fill the vacancy until the next August election. He qualified and assumed the duties of chief justice in January, 1865. Prior to the August election of 1865, the political parties in Kentucky were divided into Republican, Democrat, and third party, which last named party was composed largely of Union men who opposed Mr. Lincoln in favor of McClellan. Judge William Sampson was identified with this party, and at the August election, 1865, was a candidate for election to the position he held by appointment. In the election he was opposed by Judge Kavanaugh, of Marion county. The district was the most populous in Kentucky, composed of Jefferson, Warren, Marion and many others of the most populous counties in the state. The race was very close, and the official count was required to determine the election. Upon the count it was definitely determined that Judge Sampson was elected, by a very small majority.

Upon his return to Frankfort, at the beginning of the September term, 1865, of the court, he resumed his duties, but shortly after that his health began to break down and before the year was passed he was compelled to return home, from which illness he died at his home in Glasgow, Kentucky, February 5, 1866. The decisions rendered by Judge Sampson are reported in 2d Duvall.

William Sampson, in the year 1862, formed a partnership with Judge I. W. Edwards, now of Louisville, which continued until dissolved by the appointment of Judge Sampson to the bench. Judge Edwards, who was then a widower, married Miss Julia Gilpin, sister of Mrs. Sampson. On the 10th day of April, 1864, Mrs. Sampson, after a few days' illness, died, leaving Judge Sampson a family of four young children. Judge Sampson being away from home a great deal, Judge Edwards and wife continued to live in his family, she taking as far as possible the place of the mother.

Judge Sampson left at his death three daughters and one son. Ida L. Sampson died at Abilene, Kansas, January 5, 1880. Margaret Sampson, who married M. W. Neal, now of Crescent Hill, died at Memphis, Tennessee, February 13, 1879. She

left a son and a daughter. The son died a few years later. The daughter is Miss Lillian Neal, of Crescent Hill, Kentucky. Another daughter, Mrs. Virginia Wheat, wife of J. Z. Wheat, of Fort Worth, Texas, and J. R. Sampson, the son, of Middlesboro, Kentucky, are the only children living.

Judge Sampson was a man of commanding, dignified appearance, while American by birth and in feeling he possessed and constantly exhibited the sterling characteristics of the sturdy Scotch race from whom he descended,—a man of spotless character, whose whole life was a demonstration of the truth of his profession as a follower of Christ. In the last few years of his life he was an elder in the Presbyterian church, and as such attended and took part in its presbyteries and assemblies, and in the general assembly strongly opposed the declaration and testimony act of the assembly at St. Louis. His influences in life were all for good. Though he died at an early age, by his industry and close attention to the duties of life he attained to the highest position possible in the Kentucky judiciary.

WILLIAM S. PRYOR, ex-chief justice of the court of appeals.—When the history of Kentucky and her public men shall have been written its pages will bear no more illustrious name and record no more distinguished career than that of Judge Pryor. If "biography is the home aspect of history," as Wilmott has expressed it, it is entirely within the province of true history to commemorate and perpetuate the lives and characters, the achievements and honor, of the illustrious sons of the nation. The name of Judge Pryor is inseparably associated with the history of jurisprudence in Kentucky, and no man has been more respected in the state and none more highly deserves the honors that have been bestowed upon him.

W. S. Pryor was born in Henry county, near New Castle, Kentucky, about a mile from his present home, on the 1st of April, 1825. In the early days of the settlement of that county, his grandfather, John Pryor, removed from Virginia and took up his abode near the present site of New Castle. The family name has been interwoven with the annals of the Kentucky bar from the pioneer epoch. On the old Pryor homestead, located by the grandfather, was held the first court ever convened in Henry county, and tradition says that the bench on which "His Honor" sat was a stump, while the jurors were ranged on a log near by!

Judge Pryor's father, Samuel Pryor, twice served as county sheriff at the time when that office went by law to the oldest magistrate in compensation for his services. If the magistrate did not care for the incumbency he could sell the office, and, exercising the privilege of purchase, Samuel Pryor twice became sheriff. The length of the term was fixed by law. He also held other honorable and profitable positions and was a worthy representative of an influential and numerous family of Virginia and Kentucky. Among the early settlers who came to this state from the Old Dominion were the Samuel family, to which belonged the mother of the Judge, Nancy (Samuel) Pryor, daughter of William Samuel, a prominent farmer and politician of Henry county. His maternal grandmother was a daughter of William Marshall, a member of the old Marshall family of this state and a relative of Chief Justice Marshall.

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The summer sun shone down upon many a field which Judge Pryor plowed during his boyhood, for his life was that of the farmer lad. Through the storm of winter he made his way to the little schoolhouse near New Castle, where his preliminary education was acquired. Before the close of his last session in that school, it became apparent that he knew more Latin than the teacher, and through the following year he continued its study at home of nights, as he could get no further instruction in the school. In 1843 he began the study of law in the office of his uncle, Judge James Pryor, of Covington, and in the following year was admitted to the bar. As he had not attained his majority it was necessary to have a special enactment of the legislature, granting him the privilege of practicing in the Kentucky courts. Riding twenty-eight miles to Frankfort on horseback, he dismounted at the old state house and was examined by Judge John J. Marshall, after which he was given his license to practice. At New Castle he opened his office and soon won prominence at a bar which numbered such eminent members as Humphrey Marshall, Justice J. M. Harlan, now of the supreme court, Judge McHenry, Judge Wilson, William J. Graves and others. His practice soon embraced some of the most important cases before the courts, involving large interests with great profit to himself. While in the early dawn of manhood he was sought by litigants from all the surrounding country and he early developed the qualities of a popular leader, as well as the characteristics of a lawyer of more than ordinary ability. He stood high at the bar, and his opinion, even in the early days of his professional career, was esteemed equal to that of the old *savants* in the law; and his fine bearing, great earnestness and force of manner gave him an almost irresistible influence over a jury. At this time, hardly approaching the meridian of his popularity and practice, he came to the circuit bench and disappeared from the splendid contests of the courts. In 1866 he was elected to the judgeship of the circuit court of the eleventh district, and September 6, 1871, was appointed by Governor Leslie to fill a vacancy on the appellate bench, caused by the death of Chief Justice Robertson.

In 1872 Judge Pryor was again elected to the appellate court. His opponents for the nomination were Chancellor Menzies, of Covington, and Judge George R. McKee, a leading lawyer and noted politician. Each county held a separate primary, or more properly a mass convention. Judges Pryor and McKee met at Harrodsburg and agreed to decide their claims by the old muster fashion, each candidate appointing a captain who would march out of the crowd, and all those who favored a certain captain's candidate would march after him. When all was ready some one called out, "All in favor of Pryor follow Goddard, and all in favor of McKee follow Thompson." The two captains at once walked out of the courthouse and the followers of the respective candidates fell in line behind them. Mr. Pryor having the longest line, Mr. McKee withdrew from the race and by election Judge Pryor was returned to the appellate bench without opposition.

In 1880 and 1888 he was again elected without opposition, and in 1896 was once more the candidate of the Democracy, but the Republicans carried the state and he was defeated by Judge A. Rollins Burnam. No greater regret was ever manifest at the defeat of a candidate, for people of all parties

respected him and placed the utmost confidence in his judicial ability and absolute fairness; but the issue of the campaign was the money question and many voted a straight ticket, who on any other occasion would have given their support to Judge Pryor. He went upon the bench as chief justice in accordance with the state law that the judge having the shortest term to serve shall occupy that position, and has filled the same incumbency three additional times. On the bench he has been associated with Martin Cofer, Mordecai Hardin, Caswell Bennett, John R. Grace, Thomas F. Hargis, William Lindsay, B. J. Peters and John M. Elliott; but no record furnisnes a parallel to that of Judge Pryor, who for twenty-five consecutive years was on the bench of the Kentucky court of appeals. Crowned with the highest respect accorded honorable public service, he retired from office and is now engaged in practice in the court of appeals.

Judge Pryor owns some of the finest land in Henry county, highly improved with all modern accessories, has been an extensive dealer in stock and was president of the Eminence Agricultural Association. He is a man of affairs as well as a lawyer, and his reputation for successful farming vies with that which he has won on the bench.

On the 8th of February, 1848, the Judge wedded Miss Mary C. Brinker, by whom he had two children. On the 31st of January, 1856, he married Miss Apphia Beazley, and they have seven children living.

The Judge is a man of broad sympathy and great benevolence. Charity in its widest and best sense is practiced by him, and his benevolence has made smooth the rough way of many a weary traveler on life's journey. In his private life he is distinguished by all that marks the true gentleman. His is a noble character,—one that subordinates personal ambition to public good and seeks rather the benefit of others than the aggrandizement of self. Endowed by nature with high intellectual qualities, to which were added the discipline and embellishments of culture, his is a most attractive personality. Well versed in the learning of his profession, and with a deep knowledge of human conduct, with great sagacity and extraordinary tact, he stands to-day almost without a peer at the Kentucky bar, honoring the state which has so honored him.

ELIJAH HISE, chief justice of Kentucky from 1854 until 1856, was born in Allegheny county, Pennsylvania, July 4, 1801, and died May 8, 1867. He obtained an excellent education and was a man of scholarly attainments, remarkable for his rhetorical powers and with a natural talent for music and the mathematical and mechanical sciences. He was also extremely fond of the drama and was one of the most popular delineators of the old stage classics. In 1822 he was graduated in the law department of Transylvania University and entered upon the practice of his profession at Russellville, where he rose to distinction as one of the first lawyers of the country, and as the result of his extensive law business accumulated a handsome fortune. He was married October 8, 1832, to Miss Elvira L. D. Stewart, daughter of William L. Stewart, of Russellville, who aided in building the first cabin of that town.

President Polk appointed Mr. Hise minister to Guatemala, in 1848, and while residing in Central America his aid was solicited in the affairs of that country, becoming prominent in what was known as the "Hise

treaty." After two years' service in Guatemala, the Judge returned home and was elected to a position on the bench of the court of appeals, being one of the first judges elected under the constitution of 1849, entering upon the discharge of his duties in May, 1851. In August, 1854, he became chief justice and served until 1856. In 1866 he was elected to represent his district in congress, and was re-elected, but died before the assembling of that body. In politics he was a Democrat; and, his county and section having a large majority against his party, he withstood the unequal contest with great pertinacity for many years. When the revulsion came, brought about by the events of the civil war, the party of which he had long been a leader in his section made him their standard-bearer and through the remainder of his life he was probably the most influential political leader in the state. He was a man of great independence of thought and action and as a popular speaker was unsurpassed. His great interest in the sad condition of the country, as the result of the civil war, and his anxiety as to his ability to bring it relief, weighed heavily upon his mind, and was probably the cause of bringing about his untimely death. Few men held a higher position in the estimation of the public, and it seldom falls to the lot of any man to be more deeply mourned at his death.

ISAAC MOORE QUIGLEY was born in Paducah, March 5, 1856, and for many years has been a member of one of the leading law firms of the city, being associated in the practice with his father, Q. Q. Quigley, under the firm name of Quigley & Quigley. His literary education was acquired in Racine College, of Racine, Wisconsin, after which he took up the study of law and was admitted to the bar. The practice of the firm is general and of a very important character. Not only in his profession has I. M. Quigley attained to prominence, but in the halls of legislation has made for himself an honorable record. He served for two terms in the general assembly, and has also occupied a place on the bench of the court of appeals, having been appointed to that position in 1894 to fill out the unexpired term caused by the death of Caswell Bennett, and was acting chief justice of the court for the term during which he occupied the bench.

THOMAS HENRY HINES, of Frankfort, member of the court of appeals from 1878 until 1885 and chief justice during the last two years of his service on the supreme bench, was born in Butler county, Kentucky, October 9, 1838, a son of Judge Warren W. and Sarah (Carson) Hines. His ancestors were of English and Scotch origin and were among the first settlers of Kentucky. They were noted for their love of liberty and were men of strong individuality.

Judge Hines attended the common schools to a limited extent during his youth, but his literary education was largely acquired outside of the school-room. Of a studious nature and anxious for self-improvement, he utilized all the means whereby he might add to his store of knowledge, and had made such rapid advancement that in 1859 he was offered a position as teacher in the Masonic University of La Grange, where he remained until the war. Deeply in sympathy with the south, he joined the Confederate army, and the days of chivalry

furnish few tales of greater heroism, loftier patriotism or more loyal devotion than he displayed. It was he who planned and secured the escape of General Morgan and six of the Confederate officers who had been taken prisoner by the Union troops and whose loss to the southern cause was immeasurable. He was then but twenty-three years of age, but he displayed a military ingenuity and mental alertness shown by few generals of either army.

Treatment received in the prison determined him to plan a means of escape. Prison life had become intolerable, and the thought of breathing the free air of heaven once more was inexpressibly sweet. Being led to believe by the dry condition of the cells that there must be air passages under the prison, and in pursuance of an idea suggested by the escape of Jean Valjean, as portrayed by Victor Hugo in Les Miserables, Judge Hines resolved to make an opening into these air cells and by means of those subterranean passages effect an escape. There were difficulties to overcome from the arrangement of the cells,—five tiers or stories of solid stone masonry, six feet long, six feet high and three feet wide. With two case knives which had been sent from the hospital the work was begun November 4 in Captain Hines' cell, he assuming the responsibility and alone taking the risk of discovery and its consequent punishment by imprisonment in the dungeon. Only two men could work at a time, and it was not until November 25th that the passage was made clear to the yard of the penitentiary; but at length through the walls of solid masonry apertures were effected, and by a little strategy General Morgan and six captains, on a dark and stormy night, made their way into these air cells and crawled through them to liberty. It was one of the most subtly contrived and skillfully arranged maneuvers found on the pages of military history, and was all the result of the planning and labors of Judge Hines. Before they reached safety within the Confederate lines his wit and bravery were again called into requisition on behalf of General Morgan, and later on many a battle-field he displayed equal coolness and daring in command of his troops. His military record is unsurpassed for bravery and his strategic movements were worthy the skill of a Fabius.

After the war Captain Hines went to Toronto, Canada, where he began the study of law under John C. Breckenridge. In March, 1866, he returned to his country, and in Memphis, Tennessee, completed his law studies under the direction of General Albert Pike, at the same time having editorial charge of the Memphis Daily Appeal. In October, 1867, he removed to Bowling Green, where he successfully practiced law until 1870, when he was elected judge of the Warren county court. He resigned, however, in 1872, in order to give his attention to private practice. In 1878 he was elected to the court of appeals and his eight-year term on that bench was distinguished by the highest legal ability.

To wear the ermine worthily it is not enough that one possess legal acumen, is learned in the principles of jurisprudence, familiar with precedents and thoroughly honest. Many men, even when acting uprightly, are wholly unable to divest themselves of prejudice and are unconsciously warped in their judgments by their own mental characteristics or educational peculiarities. This unconscious and variable disturbing force enters more or less into the judgments of all men, but in the ideal jurist

this factor becomes so small as not to be discernible in results and loses its potency as a disturbing force. Judge Hines was exceptionally free from all judicial bias. His varied legal learning and wide experience in the courts, the patient care with which he ascertained all the facts bearing upon every case which came before him, gave his decisions a solidity and an exhaustiveness from which no members of the bar could take exception. His professional career has been successful and brilliant, and he is now one of Frankfort's most eminent attorneys.

WILLIAM H. HOLT, an eminent attorney of Frankfort, and ex-chief justice of the court of appeals, was born in Bath county, Kentucky, November 29, 1842. His early education was obtained in the common schools of his native county, supplemented by study in Twinsburg, Ohio, and in Fort Edward Institute, New York. Subsequently he attended the Albany Law University, of Albany, New York, where he was graduated in May, 1863, with the highest honors of his class. He was admitted to the bar on the 5th of May, of the same year, and in June, 1863, began practice in Mt. Sterling. His legal attainment of a high order insured his success, and within a short time he had secured a large clientage. He was recognized as one of the leaders of the bar of eastern Kentucky and continued in active practice in Mt. Sterling until 1884, when he was elected associate judge of the court of appeals. His eight years of service were marked by the utmost fidelity, and his carefully prepared decisions, based upon the principles of law, commanded the respect and excited the admiration of his fellow members of the court of last resort.

While not aspiring to office, Judge Holt has taken an active interest in politics, and has always been a stalwart Republican. When a young man he canvassed eastern Kentucky for the thirteenth constitutional amendment, abolishing slavery. He has twice served as presidential elector and seconded the nomination of Hon. John Sherman at the Chicago convention in 1884. The district from which he was elected judge in 1884 is comprised of forty counties, and he enjoys the distinction of being the first Republican who has ever served the state as chief justice. Of undoubted integrity, untiring industry, fine intellect, eloquent in speech, he is known and recognized as one of the leading men of the state, and is numbered among the ablest all-round lawyers of the commonwealth.

JOHN R. GRACE, who served on the bench of the court of appeals, was born in Trigg county, Kentucky, in 1834, and throughout his life he made his home in that locality. He studied for the bar, having chosen the law as his life work. He recognized the opportunities afforded by the bar, thoroughly prepared himself for the practice and became one of the illustrious characters of the history of the bench of Kentucky. He practiced successfully until 1868, when he was called to the bench of the circuit court and by re-election was continued in that office for twenty-six years, a record rarely paralleled in the history of Kentucky jurisprudence. His term then was ended only by his election to higher office. In November, 1894, he was elected associate judge of the court of appeals, and resigned his position on the bench of the circuit court in order to assume the duties

of appellate judge on the first Monday in January, 1895.

Nature seemed to have designed him for the work to which he devoted his life; his mind was one of the distinctively judicial order, and his varied legal learning and wide experience in the courts, the patient care with which he ascertained all the facts bearing upon every case which came before him, gave his decisions a solidity and exhaustiveness which usually made them final. They were strictly impartial, simple in style, exact in diction. Few men have been more deeply or sincerely mourned than was Judge Grace by the bench and bar of Kentucky and by his old time friends of his native county. He died suddenly in Frankfort, February 20, 1896. A friend of many years said: "Kentucky has lost one of her best and greatest men. He was the kindest and purest man with whom I have had anything to do in life, and he was always gentle and just." In addressing the court of appeals, Judge Pryor, then chief justice, said: "Although with us but a brief period of time, by his mild and gentle manner, Judge Grace endeared himself to every member of this court. In the consultation room his clear statements in the exposition of the law gave undoubted evidence of his ability and learning as a judge. No court ever lost a member whose judicial career was purer than that of our beloved associate."

JOSEPH I. LANDES, ex-judge of the court of appeals, was born in Hopkinsville, Christian county, Kentucky, January 3, 1836. His father was Isaac Landes, a native of Rockingham county, Virginia, born October 4, 1796, his parents being Daniel and Katherine (Coffman) Landes, both natives of Virginia, but of German extraction. They came to Kentucky and in 1805 settled in Muhlenburg county, where they remained. Isaac Landes married Susannah Kelly, daughter of Joseph and Elizabeth (Summers) Kelley, a native of Bourbon county, Kentucky, born March 3, 1803. Her parents settled in Christian county, early in the century. Joseph Kelly was a native of Maryland, of Irish parentage; his wife was born in Fairfax county, Virginia, and was distantly related to the Lee family. Isaac Landes died September 29, 1870, Susannah Landes, his wife, surviving him until February 4, 1873.

Joseph I. Landes was educated in the preparatory and academic schools at Hopkinsville and at Hardinsburg. His early inclination was toward the law and his study had been directed to that end. Having acquired a good English education, he read law with Hiram A. Phelps, of Hopkinsville, a successful and accomplished practitioner, and later attended the University of Virginia, where he studied under Professor John B. Minor. He was admitted to the bar in April, 1858, and entered on the practice at once, since which time he has been actively engaged in his professional duties, with the exception of a brief period during the war, when he served as adjutant of the Eighth Kentucky Cavalry, United States Volunteers.

He filled acceptably the office of county attorney of Christian county from 1862 to 1864; city judge of Hopkinsville from 1870 to 1874, and state senator from 1893 to 1896, resigning the latter office in March, 1896, to accept an appointment to the court of appeals bench from Governor W. O. Bradley, to fill the vacancy caused by the death of Judge John R. Grace. His term on the bench expired by the election of his

successor, Judge J. D. White, who took his seat December 4, 1896.

Judge Landes has been devoted to his profession; his official life has been in line with the exercise of his legal talent, and in the discharge of every duty he has met the full measure of public approbation accorded to the faithful and intelligent discharge of the trusts imposed. He has been engaged in much of the important litigation in his section of the state. Among other cases may be cited Clark versus McKenzie, 7 Bush, 523; Empire Coal & Mining Company versus McIntosh, 82 Kentucky, 554; Louisville & Nashville Railroad Company versus Christian county, 87 Kentucky, 605; Boyd versus Randolph, auditor's agent, 91 Kentucky, 472; Beard versus City of Hopkinsville, 95 Kentucky, 239; Brown versus Holland, 97 Kentucky, 249; Cowan versus Prowse, 93 Kentucky, 156.

Judge Landes was a supporter of the Douglas wing of the Democracy in 1860, a Unionist during the war, and has been a consistent and active member of the Republican party since. He is a public-spirited and progressive citizen, looking to the best interest of the community, the state and the nation, by contributing to the advancement of all interests, educational, social and governmental, calculated to enhance the well-being of the individual and the community. He is a member of Hopkinsville Lodge, No. 37, F. & A. M., and high priest of Oriental Chapter, No. 14, Royal Arch Masons.

Judge Landes was married April 27, 1865, to Miss Mary McDowell Carter, a daughter of Dr. Francis Carter, who was a native of Ireland, for many years a leading physician at Columbus, Ohio, and one of the founders of the Medical College at that place. Her mother was Anna (Starling) Carter, a descendant of the Starling and McDowell families, well known in Virginia and Kentucky. The Judge's family consists of his wife and adopted daughter, Anna, the child of his wife's sister.

JOHN TRIMBLE, judge of the "new" court of appeals, was born December 4, 1783, in Clark county, and died July 9, 1852, at Cynthiana, Kentucky. He was a brother of Robert Trimble, judge of the United States district court of Kentucky, and associate justice of the United States supreme court.

When nineteen years of age John Trimble was secretary for Robert Evans, governor of Indiana territory. He studied law under the direction of George Nicholas, at Lexington, and practiced at Paris from 1807 to 1816. Being appointed circuit judge he removed to Cynthiana. On the 10th of January, 1825, Governor Desha appointed him one of the associate justices of the new court. Assuming this office in a time of great excitement and under the peculiar circumstances surrounding the creation of the court, his actions and character were subjected to severe criticism and partisan rancor. He retained the office of judge of the new court until the legislative act whereby it was established, was repealed. He was a member of the legislature in 1826, 1833 and 1835. In 1836 he was tendered but declined the position of judge of the United States district court for Kentucky.

Judge Trimble was an able lawyer and a man of excellent repute and noble character. Of the associates of Judge John Trimble while on the bench of the new court of appeals, William T. Barry is noted elsewhere, while of John Haggin and Benja-

min W. Patton little is known. Patton died soon after being appointed, and Rezin H. Davidge was appointed, February 11, 1825, to the vacancy thus made. There is no record of any of these men after their retirement from the bench. During the existence of the new court seventy-two opinions were delivered, the first April 19, 1825, and the last October 28, 1825. Of these Judge Haggin delivered twenty-seven, Judge Trimble seventeen, Judge Davidge fifteen and Chief-Justice Barry thirteen; and these are preserved in Monroe's Reports, Vol. II.*

*Other members of the court of appeals, to-wit, Thomas Todd, Robert Trimble, John Boyle, Harry Innes, John Rowan, Thomas A. Marshall, S. S. Nicholas, J. R. Underwood, William Owsley and Daniel Breck, together with William T. Barry, R. H. Davidge and Joseph Haggin, of the "new court," will be found elsewhere in this volume.

THE FRANKFORT BAR.

BY HON. P. U. MAJOR, FRANKFORT.

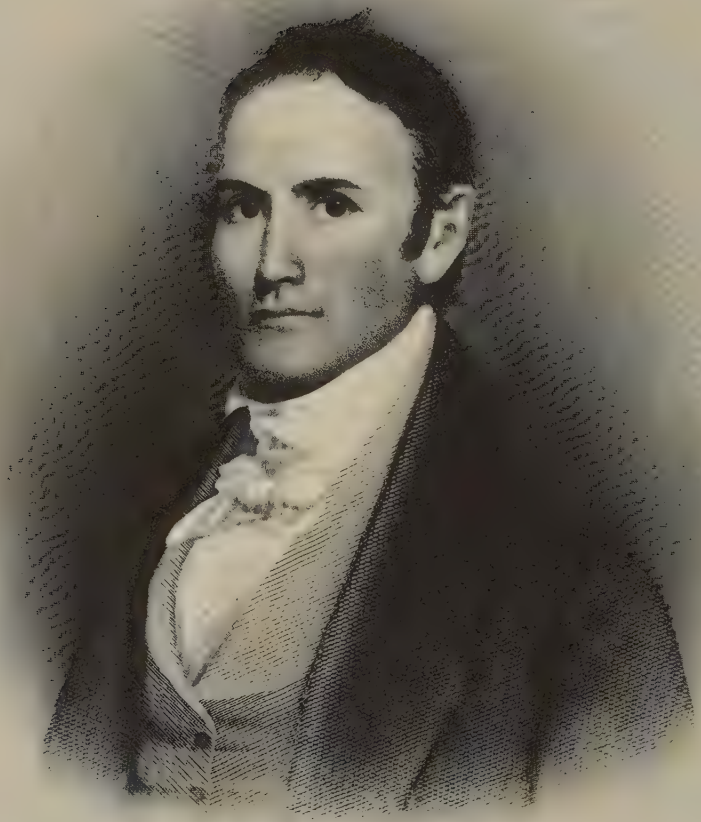
THE Frankfort bar, as an entirety, is and was always very like all other bars of the legal profession in this, our great and growing country. It has ever been possessed of honesty, energy, zeal, fairness, courage, courtesy, learning, skill and eloquence. But these are the common attributes of the bars of the entire nation. Therefore, in speaking of it as a whole, it is needless to mention these characteristics as they can give no definite idea, or even the vaguest conception, of its former or present constituents. But the causes, the reasons, for its prominence in the past and its present high standing, coupled with a short, rough sketch of the physical, intellectual and personal peculiarities of its quondam members, —of those bright and fair-famed ones who have passed off the stage of action,—may be of interest to some; for it is assumed that it is generally conceded by Kentuckians that Frankfort has been from its earliest days to the present time blessed with an able and accomplished bar. It was selected as the seat of government a very short time after the organization of the commonwealth. The land, or register's, office, wherein was and is kept a complete list and copies of all the original entries, surveys, plats and patents of all the lands of the entire commonwealth, as well as two offices in which might be recorded deeds conveying lands in any part of the state, were located there. In fact, the state archives, all the general offices for the state, were kept there; the legislature met there. All the higher courts, that is, the federal courts for the district of Kentucky, the general court and the court of appeals, were held there, and, as access to the little town in early days was extremely difficult, necessarilly drew around them as residents very many of Kentucky's ablest lawyers. Of a truth, Frankfort's original population was largely composed of officers for the state at large and lawyers, and the one class served to stimulate and brighten the other, thereby elevating both; and more, the local bar, by reason of its *situs*, was continually rubbed up and whetted by being thrown in frequent contact and association with that of the state at large. Hence, to secure anything like success for a resident attorney it required that one should be *jurem consultum ad unguem.*

In the roll of its resident attorneys in the first half century of it existence, appear among others, the names of these famous legislators, statesmen, bar orators and learned juris-consults: John Brown, William Murray, Harry Toulmin, Thomas Todd, Harry Innes, Joseph H. Daviess, James Hughes, John Blair, Isham Talbot, George Adams, George M. Bibb, James Haggin, Thomas Bell Monroe, Solomon P. Sharp, Louis Sanders, William Littell, William Blair, John J. Crittenden, John J. Marshall, J. G. Dana,

Samuel Q. Richardson, Benjamin Mills, Thomas Triplett and others, all fully abreast of their times, and components of a bar, if tradition be true, quite equal to that of any city, all departments of the law being considered.

In later days, in the twenty-five years between 1830 and 1855, a period well within the memory of many living men in the state, the leaders of the Frankfort bar were the middle-sized, big-headed, red-haired Judge Mason Brown, a walking encyclopedia of science, literature and law; the impressive, stately, flaxen-haired, honey-tongued governor, Charles Slaughter Morehead, a modern Chesterfield and Cicero combined, a marvelous mixture of persuasiveness, learning, logic and law; the tall, slender, dark-haired, spectacled governor, James T. Morehead, the fife, the flute-player, the songful Phoebus of the hustings, the lord of aphoristic wisdom, wit and forensic oratory; the long, learned, dry governor, William Owsley, a reincarnation of the learned, persistent, relentless Coke; the haughty, stalwart and impetuous Judge William C. Goodloe; the rosy-cheeked, blue-eyed, smiling, good-humored Thomas Noble Lindsay, the prince of all story-tellers, the most "cunning of fence," the readiest, the most expert, the most masterly of pleaders; the small, handsome, dignified, close-cropped, clean-shaven attorney general, Owen Glendower Cates, more famed for his solemn preciseness, unfailing courtesy, towering oratory and physical resemblance to the great Napoleon than for his erudition; the huge, brawny, fair-haired, near-sighted, generous attorney general, James Harlan, gigantic in body and mind, a living, slow-speaking, incarnate digest of the decisions of the Kentucky court of appeals, as well as those of the supreme court of the United States; the slow-moving, procrastinating, shaggy-browed George W. Craddock, the embodiment of fairness and kindness, linked to the irritability and pugnacity of a game cock, a living, perambulating storehouse of the basic principles of all law, that to be unlocked requires a contest; the very tall, spare William D. Reed, the razor-tongued, the unsparing exposer, the unflinching flayer of liars and rascals, an almost unrivaled expert in *nisi-prius* practice and law; the lordly, steady, didactic Judge John M. Hewitt, the model practitioner, the ever ready with witnesses, the law and all fair expedients, the contemner of all delays; the sallow, sombre, serious, spare, god-fearing Judge Thomas Ben: Monroe, a plain, slow, cautious debater, whose arguments were as barren of simile and ornament, and almost as forceful, as a Springfield rifle; the portly, dark-skinned, humorous, leisure-loving governor, Robert P. Letcher; the spare, sinewy, supple attorney general, John Rodman, whose marvelous readiness, tact and scintillating oratory rarely failed to win a verdict where possible; and Governor John Jordan Crittenden *facile princeps*, the incarnation of Kentucky chivalry, the *ne plus ultra* of advocates. All these bright and forceful ones have been gathered to their fathers, but have left behind them an ever-enduring remembrance among men.

Of the Frankfort bar that have been gathered to their fathers in the last half century,—these also stood out conspicuously among their brethren: The dark-skinned, sombre, sarcastic, brilliant, coruscant John Evans; the genial, cheery, tireless John C. Hevendon, author of the Guide to Kentucky Justice, Clerks, etc.; the quiet, reticent, modest yet clear-headed Thomas T. Tilford;



Solomon P. Shay

the small, delicate, eager and earnest R. Carlysle McKee, the prototype of the modern Populist; the impetuous, hair-splitting, dark-skinned, wavy-haired Victor Monroe; the bright, handsome, chivalrous, dashing James Monroe; the spare, kind-hearted, courteous and scholarly John J. Julian; the tall, slender, light-haired, reticent yet deeply learned ex-attorney-general, Judge A. J. James; the curly-haired, bright-eyed, merry, musical, genial, learned and lovable ex-chief justice Alvin Duvall; the laborious, scholarly and accomplished John Mason Brown, author of Kentucky's Political Beginnings; the clear-headed, warm-hearted, brave and logical Silas N. Hodges; the fun-loving, labor-hating, humorous, brilliant, oratorical Judge O. D. McManama, who most forcibly impressed one as being in many things,—in personal appearance, in habit, in mind, manner of thought and moral organization,—marvelously like the renowned Mirabeau; and last, the young, handsome, noble, manly Hugh Rodman, one of the "bravest of the brave," physically and morally, whom "Epaiazousin Erootes."

Of the present, the living, bar of Frankfort, it may be truthfully said that it is abreast of the times, that it embraces very many skillful, learned lawyers, astute politicians and able statesmen, and that as a whole it will compare favorably with any bar of the commonwealth, as there may be counted among its present members several ex-chief justices of Kentucky, attorney-generals and ex-circuit judges.

COLONEL SOLOMON P. SHARP, attorney general of Kentucky and member of congress and of the Kentucky legislature, was born in Abingdon, Washington county, Virginia, in 1787, and died at Frankfort, Kentucky, on the 7th of November, 1825, meeting his death at the hands of an assassin and as the result of a political conspiracy.

"It is the sacred duty of every generation to preserve a faithful memorial of the character and conduct of its distinguished men. The maxims and motives and destinies of prominent men, as exemplified from age to age in the moral drama of our race, constitute the elements of historic philosophy and impart to the annals of mankind their only practical utility."

At a distance of time now nearly three-quarters of a century since the cowardly arm of the assassin did its work, a calm and unprejudiced view may be had and an impartial and true biography written of a most remarkable man,—one of the most gifted and noblest of Kentucky's statesmen. Traduced while living, the peculiar circumstances of his taking off have come down through the annals of time embellished with imaginary details and made the warp of a romance and of a drama. No more instructive or interesting life, no nobler or more elevating character, no brighter intellect and no more unselfish devotion to duty to family and to friends, can be found in the history of Kentucky's Lawyers and Lawmakers than is exemplified in the rehearsal of the life of Solomon P. Sharp. Without the influence of wealth he made his way from the obscurity of the farm to high and honored office. His indomitable will, his native intellect, his adherence to the right, his wonderful power and mastery of every subject with which he was connected, compressed into his brief life of thirty-eight years more of activity and of accomplished work

than ordinarily is compassed by the "threescore and ten" allotment of man.

His father, Thomas Sharp, of Washington county, Virginia, entered the service of the united colonies and was commissioned captain. With two brothers he participated in the decisive battle of King's mountain, recognized now by students of history as the turning point in the war for independence, and in that engagement was severely wounded. These brothers were descended from good English stock, their father being a grandson of John Sharp, lord archbishop of the diocese of York, England. In the famous cathedral at that place there stands to-day a statue of that illustrious divine, the resemblance to the descendants of the American branch being easily traced. The wife of Captain Thomas Sharp was Jean Maxwell, a native of Scotland. They came to Kentucky at a very early day, enduring all the hardships of the pioneer, settling near Russellville in what is now Logan county, about 1798. The father died, leaving a family of eight children, and this necessitated young Solomon P. Sharp to work early and late in order to gain a livelihood and assist in the support of the family. It is a matter of history that he acquired a masterful knowledge of Latin and Greek while following the plow and became proficient in the branches usually taught to-day in high schools and colleges, having no assistance in this task, his determination to acquire a liberal education being accomplished by the indomitable will power which enabled him later to surmount all obstacles.

When very young, Mr. Sharp had fixed his mind on the law as the profession he should follow and addressed his every effort to achieve this end; and he did this with such success that in 1809 he was licensed to practice and admitted to the bar at Russellville. His ability and sterling qualities of mind and heart were even then of so marked a character that he was elected to represent Warren county in the state legislature in 1809 and again in 1810 and 1811. At the last session he had as a compeer on the floor of the house, Ben Hardin, then twenty-seven years of age, and for the first time a member of a legislative body. At this session of the general assembly Ben Hardin, with the aid of Colonel Sharp, secured the passage of a bill the object and effect of which was to discourage dueling and inaugurate a course of legislation that has contributed to rid the country of this great evil. In 1849, during the constitutional convention of that year, Mr. Hardin advocated the incorporation of a similar provision in the constitution then being framed, and said: "The act of the assembly of 1811 on dueling was drawn up by myself and carried through the house of representatives by the aid of a gentleman younger than myself, Solomon P. Sharp, one of the ablest and most eloquent men Kentucky ever knew." Thus, after a lapse of thirty-eight years, we find this great statesman giving testimony unasked to the character of his deceased contemporary and friend.

In 1812 Solomon P. Sharp, with all the enthusiasm of youth and with the martial spirit of his forefathers of Revolutionary fame, organized a company for service in the pending war and was made captain thereof. He had a great fondness for military life, its spirit, its activity and its discipline strongly appealing to his nature. Later he was made a colonel of militia and earned his title by giving of his time and talent to perfect the volunteer organization of his state with which he was associated.

Colonel Young Ewing, writing from Christian county under date of January, 1827, says of Colonel Sharp: "I served with him in the army during the late war [of 1812], in which he volunteered his services as a private soldier, and was, in the organization of the army, preferred to the command of a battalion in the regiment I had the honor to command; and in no single instance had I reason to complain, for I always found him prompt, decisive and manly in executing all orders coming from the commanding general or myself."

Colonel Sharp's faithful service in the lower house of the state legislature led to his being called to broader fields of usefulness, his district sending him to congress in 1813 and re-electing him in 1815. In the four years in which he was one of Kentucky's representatives in the council chambers of the nation, from 1813 to 1817, he was the associate of Henry Clay, James Clark, Ben Hardin, R. M. Johnson and Stephen Ormsby, from his own state, while John C. Calhoun, of South Carolina, was his intimate friend and room-mate in Washington. His career in the capital city was marked by earnestness and devotion to the interests of his people, and Calhoun pronounced him "the greatest mind that has come to congress up to his time from beyond the mountains."

Retiring from congressional life, Colonel Sharp, with renewed energy, resumed the practice of law, but was again sent to the state legislature in 1817 and 1818. His reputation for ability and integrity was as wide as the state, and the demands on his time as a member of the legal profession, in cases of large import pending in the United States courts and in the court of appeals at Frankfort, impelled him to take up his residence in that city in 1820. The following year he was appointed by Governor John Adair to the position of attorney-general of Kentucky and served under that administration, when he was re-appointed by Governor Joseph Desha and acted in that capacity in 1824 and 1825. The letter tendering him the appointment, written by Governor Adair on the 1st of June, 1821, and soliciting his acceptance of the office of attorney-general, was concluded in the following words: "I need not say to you that the office has fallen into disrepute in public estimation, and the salary been improperly reduced, more from an eye to the former occupant than to the office. It is my wish so to fill it at present that it may be again renovated and take its due stand in the government." The superior ability of Colonel Sharp not only raised the office to its old dignity, but even advanced it to a still higher standard.

In the spring of 1825 Colonel Sharp was one of the state commissioners appointed to do honor to that patriot and statesman, the Marquis de LaFayette, then on a visit to America, and as such, in the absence of the gentleman delegated to deliver the address at Louisville, was called upon to fill his place and made extemporaneously a most eloquent and touching address, extending to the French hero the hospitality of the state and welcoming him in the name of all its citizens. His ready wit, command of language and elegant presence enabled him thus readily to adapt himself to any and all circumstances and to acquit himself in a most creditable manner, reflecting honor on the state he represented.

In 1825 Colonel Sharp was elected representative from Franklin county to the general assembly, as the choice of his party,—the

"Relief" or the "New Court party,"—his opponent being the Honorable John J. Crittenden, who had been United States senator from Kentucky and was recognized as one of the most able and honorable citizens of the state. His majority, after a very hotly contested canvass, was sixty-nine, the vote cast being one of the fullest ever polled in the county. Colonel Sharp's popularity among the masses, his acknowledged ability, his eloquent addresses and his sterling worth and adherence to the rights of the people against oppression, had made him a powerful force in the contest of Relief and Anti-Relief, which for five years (1820–1825) had been a live issue before the people of the state. Possibly no state in the Union has been so near to internecine war as was Kentucky in those days of depression and panic.

Mr. Sharp was regarded as one of the most active and powerful of the advocates of the Relief party and its candidate for speaker of the house, for which high office he had received the caucus nomination on the night of his death. In the prime of life, in possession of every faculty, the center of a charming home circle, loved and respected by his fellow citizens, entrusted by them with the care of their interests in the important session just begun, named by his party as their standard-bearer and chief, while in the enjoyment of a large and lucrative practice and possessed of a handsome competence accumulated by his industry, and in the midst of political triumphs and domestic happiness, he was cut down in the dead hour of midnight! A man with murder in his heart called him from his bed to the door, asking shelter for the night and using the name of an intimate friend to lure him and to shield his own identity. While extending one hand to his victim in simulated friendly greeting, with the other he thrust the deadly knife into Colonel Sharp's body and fled away into the darkness of the night, leaving him expiring on the threshold of his hospitable home! No event in the history of Kentucky had been more tragic, none had so stirred the state, nor indeed the nation, for Solomon P. Sharp was no ordinary man, and his service in congress had given him a national reputation.

With him died the Relief party. The assembled legislature met with this great cloud upon them and gave expression to their respect and love for the deceased by passing resolutions in his honor and in memory of his public services and private virtues, and also authorizing a reward of three thousand dollars to be paid for the detection of the murderer. The assassin, who had fled from Frankfort, the scene of his crime, was apprehended, tried and hanged; the majesty of the law was vindicated; but the noble man, removed from a field of usefulness, could not be restored; a loving wife, made a widow, a family of little children, made fatherless, were not to be consoled. The hand that in the darkness of night struck the treacherous blow was no more worthy of confidence than the lying tongue of the same body; still the flimsy story told by the murderer made to do duty as exemplifying the cause of the assassination in order to gain sympathy for himself and palliate his heinous act, has been handed down to posterity, while the facts which all the circumstances attest as true and which point to the murder as the result of a conspiracy to attain political ends, have been lost sight of. That Solomon P. Sharp was the victim of such a conspiracy cannot be doubted by those who will investigate and weigh the

evidence adduced in his "Vindication" and at the trial of the assassin, and in the civil suits subsequently brought by certain parties against his widow for alleged libel. The following letter written to Mrs. Sharp by some of the most distinguished men of the time, however, is a fitting commentary on his life and character and shows how he was regarded by those who knew him best:

"The anxious and tender solicitude with which you cherish the memory of your deceased and ever-to-be-lamented husband, and the zeal with which you seem determined to vindicate his memory from detraction are strongly portrayed in your letters, to which this is intended as an answer. They are sentiments which have their sanction in the finest impulses of the human heart, excite our sympathy and command our respect. The policy of your request—'that his surviving friends should make out for publication a statement of their opinion of his public and private character'—we cannot but think somewhat equivocal; for there is a justice in public sentiment which forbids the spirit of detraction to invade or profane the sanctity of the tomb, and inflicts infamy upon all who shall dare to violate its sacred injunction.

"Upon this just and humane sentiment of mankind we think the friends and relatives of Colonel Sharp might safely rely. We know, however, and appreciate your feelings. Your bereavement was one of no ordinary character. The sorrows inflicted upon you by the premature and tragical death of Colonel Sharp should not have been aggravated by calumnious imputations upon his memory. Detraction, however malignant, ought to have forborne 'to break the bruised reed.' We cannot therefore advise you to decline the vindication of his memory which you contemplate; nor can we, without doing injustice to our own feelings, and inflicting agony upon your sensibilities, decline to make out the expression which you solicit of our opinion of Colonel Sharp's character.

"We have known Colonel Sharp (most of us) intimately during the last twenty years of his life. As a lawyer he had few equals and no superior in the state. As a statesman he was highly distinguished. His patriotism was acknowledged by all. His talents were denied by none. For the duties of his profession he had peculiar aptitude. The powers of his very vigorous mind were most happily balanced. He consequently possessed an elevated, a serene and almost imperturbable equanimity. He never, by his manner of discussing a case, inflicted pain upon the adverse party, his witness or counsel. Although capable of high eloquence he rarely indulged in declamation. He seemed to rely exclusively upon his investigating and augmentative powers,—powers which he possessed in a very eminent degree.

"But Colonel Sharp was not merely the distinguished statesman, the profound lawyer, the able advocate: he was remarkable for the extent and accuracy of his various information. His ardor for information was almost quenchless and his constitution favored his aspirations. He was finely elastic and capable of great intensity of application without injury to his habitual good health. He was unassuming in his deportment, unpretending in conversation, placid in his disposition and mild and conciliatory in his manners. He was the artificer of his own fortunes. He had acquired wealth and attained distinction. He occupied a large space in the public mind and was in a state of rapid expansion at the time of his death. In the

walks of private life Colonel Sharp was as amiable as he was distinguished in the theater of public life. We consider Colonel Sharp a great and good man. We deplored his death, not merely as a private, but as a public calamity; and we have no doubt that when the political fervors of the day shall have subsided he will be affectionately and proudly remembered by the people of Kentucky as one of its most distinguished citizens. You will perceive that we have not attempted a delineation of the public services and private virtues of your deceased husband: the limits of a letter forbid it: for that purpose a volume would be required. Accept assurances of our sincere sympathy with a profound respect for you personally.

"JOHN ROWAN,
"JOHN ADAIR,
"R. M. JOHNSON,
"W. T. BARRY."

Of the signers of this letter, two—John Rowan and William T. Barry—occupied the exalted position of United States senators at Washington; Richard M. Johnson was vice president of the United States; and John Adair was governor of Kentucky. Probably no equally celebrated quartet ever subscribed to a letter of such a character.

In 1818 Eliza T. Scott became the wife of Solomon P. Sharp. She was the daughter of Dr. John M. Scott, of Frankfort, Kentucky, who had been a surgeon in "mad" Anthony Wayne's army in the same regiment with Captain W. H. Harrison, and was with General Harrison in his campaigns in the war of 1812 as regimental surgeon. So close and devoted was the friendship of these two men that each named his first son for the other and entered into a compact that the survivor, in case of the death of either, was to have by adoption the child named for him to rear in his own family. Dr. Scott died first and his son William Harrison Scott was adopted and educated by General Harrison and lived with him until the latter's death. Dr. Scott's namesake, John Scott Harrison, was the father of ex-President Benjamin Harrison, and the latter's first wife was a kinswoman of Dr. Scott. When William H. Harrison was elected president, his wife being in too delicate health to preside in the White House, Colonel Sharp's widow, the daughter of his old companion in arms, was invited to preside there, but declined, preferring the quiet of her home and the care of her family, consisting of two sons and a daughter. Of these John M. Sharp, the elder son, was colonel on the staff of General Simon B. Buckner in the Confederate States Army, and was lost in a shipwreck while returning from Europe, where he had been sent on a governmental mission for the Confederacy. Solomon L. Sharp, the second son, became a prominent and influential citizen of Bardstown, where he died in 1878; and Jane M. became the wife of William D. Reed, a lawyer of note, who is represented elsewhere in this volume. Mrs. Reed is still living, in Louisville, Kentucky.

JOHN JORDAN CRITTENDEN.—High on the roll of fame is written the name of this man. One of the chiefs among the illustrious sons of then ation, he was instrumental in shaping the history of the republic, and rose to an eminence which was a natural sequence of his noble life and wonderful talents. Kentucky is proud to count him among her native sons and loves to do him honor.

He was born in Woodford county, near the town of Versailles, September 10, 1786, a son of John Crittenden, a Revolutionary officer who removed to Kentucky soon after the conclusion of the war. John J. Crittenden obtained his elementary education in the schools of his native state, continued his scholastic studies in Washington academy, Virginia, and completed his education in William and Mary College, in the same state. His law studies were prosecuted under the direction of Hon. George M. Bibb, and he became thoroughly prepared for the practice of his profession. At that period the Green river country was the attractive field for enterprise in the state, and Mr. Crittenden embarked in law practice in Russellville.

His brilliant oratory filled the country with his praise, and his constituency demanded that he should represent his district in the legislature.

In 1811 he was the member from Logan county in the general assembly, and the county conferred the honor upon him through six consecutive terms. In 1815–16, and again in 1829–32, he was elected speaker of the house. He was also in two campaigns of the war of 1812 as aide to General Ramsey in the expedition commanded by General Hopkins. During his legislative career he had gained a state reputation, and in 1817 was elected to the United States senate, where he at once made a reputation as an orator. He retired from the United States senate in 1819, and removed from Russellville to establish his residence at Frankfort, which thenceforth remained his home. He was in sympathy with the anti-relief party and the Old Court, giving his great influence in their behalf and offering himself, in 1825, as a candidate for the lower house of the Kentucky legislature from Franklin county, opposed by Colonel Solomon P. Sharp. He held the office of attorney general, and was one of the most conspicuous and able of the New Court party. After a spirited contest, Mr. Crittenden was defeated.

His opponent, Colonel Sharp, was assassinated November 7, 1825, on the eve of the assembling of the legislature. At the election held to fill the vacancy thus caused, Mr. Crittenden was again a candidate and was elected. He held a seat in the lower house for several terms, and from 1829 to 1832, was speaker of the house. He was again elected to the United States senate in 1835, resigning to accept the office of attorney general at the hands of President William H. Harrison. On Mr. Harrison's death he resigned his office, and was again, in 1842, elected by the state legislature to the United States senate, resigning his seat to make sure of the success of his party in the pending election for governor, sacrificing his own interests for his party; he became the candidate for governor and was elected.

He resigned as governor July 31, 1850, when he again entered the office of the attorney general of the United States, at the request of President Fillmore. In 1855 he was again the choice of the legislature and took his seat as senator for Kentucky, serving his full term, on the expiration of which, in 1861, he was elected to the house of representatives at Washington. He died in Louisville July 25, 1863, while a member of congress.

His support was given the Whig party until its dissolution, when he united with the forces of the American party; but that had but a brief existence and he was then left without a political home. He, however, uniformly opposed the measures of the

Democracy as contrary to his ideal of the best interests of the country.

A detailed account of the labors of Mr. Crittenden would involve the history of the nation through a most important epoch; but conspicuous as was his whole career his last efforts were his greatest. True to the conservative character of his nature, he offered, during his last senatorial term, a plan to adjust the differences between the north and the south, known as "The Crittenden Propositions," which were discussed in the peace convention as well as the senate. By this plan he hoped to stay the secession movement and avert civil war. He proposed to renew the Missouri line of thirty-six degrees and thirty minutes; to prohibit slavery north, and to permit it south of that line, as prescribed by the inhabitants of the district; to admit new states with or without slavery as the constituents might provide; to prohibit congress from abolishing slavery in the District of Columbia so long as it existed in Virginia or Maryland; and to pay for fugitive slaves rescued after arrest. These were the main provisions. He advocated them with characteristic earnestness, but his patriotic intentions were thwarted.

Mr. Crittenden retired from the senate in March, 1861, but he did not cease his efforts to avert a collision between the people of the two sections. He was the president of the Border States convention, held in Frankfort, Kentucky, in May, 1861, in which it was sought to mediate between the hostile parties. An address was issued, but the time for conciliation had passed; indeed, the war had already begun. Mr. Crittenden avowed himself in favor of maintaining the integrity of the Union at all hazards. He was elected to congress from the Ashland district, and took his seat at the extra session in July, 1861, and frequently participated in the debates. He denounced the confiscation act, the emancipation proclamation, and the enlistment of negroes as soldiers, as obnoxious and dangerous, if not unconstitutional, measures; yet these, he admitted, were minor considerations as compared with the preservation of the union of the states.

By profession a lawyer, the political arena was more congenial to him; perhaps it would be more correct to say that he entered political life so young that he acquired a taste for the one to the exclusion of the other. As an advocate he stood almost without a rival at the bar, yet he was never a profound lawyer; he was a generous, magnanimous and brave man, clear, comprehensive and decided in his convictions, and one who never shrank from the expression of them on any public question. His patriotism was never questioned by even his most bitter partisan enemy.

Few men, not even the immortal Henry Clay, who was contemporary with Mr. Crittenden, have been so honored by their state or so frequently sent as their representative to the United States senate. As a member of the Kentucky legislature, as secretary of state of Kentucky in 1834, as governor in 1848, as United States senator and as congressman, he acquitted himself with honor, and has left his impress upon the laws of the state and nation.

JOHN POPE, United States senator, was born in Prince William county, Virginia, in 1770, came to Kentucky in his youth, and was a member of the Dr. Priestly school at Bardstown, where so many Kentucky youths who achieved fame received their early train-

ing. Having lost an arm in a mill accident, he turned his attention at an early day to the law. He settled in Shelby county, and in 1802 was elected to represent that county in the legislature. Removing to Fayette county, he was elected its representative to the legislature in 1806, and was elected in 1807 to the United States senate, where he served a full term of six years. He was opposed to the war of 1812 with England and spoke against it in the senate. During his incumbency of this office he had as his colleagues Henry Clay, John Buckner Thruston and George M. Bibb, each of whom served a portion of a term. Evidencing the appreciation in which he was held, he was president *pro tem.* by choice of the senate in 1810 and 1811. In 1816 he was appointed by Governor Gabriel Slaughter secretary of state; was presidential elector for Kentucky in 1801, and again in 1821; from 1825 to 1829 was a member of the state senate; from 1829 to 1835 governor of the territory of Arkansas; and from 1837 to 1843 was a member of congress. He was an able lawyer and an astute politician, and his busy life was ended July 12, 1845, at his home in Washington county.

ISHAM TALBOT, United States senator and lawyer, was born in Bedford county, Virginia, in 1773. In his youth his father emigrated to Mercer county, Kentucky, where with few advantages and without the aid of teachers he acquired an extensive knowledge of the languages, ancient and modern. He was a student of law under Colonel George Nicholas, and commenced the practice at Versailles, moving soon afterward to Frankfort, where he took a prominent place at the bar. He was elected to the state senate in 1812 and to the United States senate in 1815, as the successor of Jesse Bledsoe, continuing in office by re-election until 1825. He died at his residence "Melrose," near Frankfort, September 21, 1837.

Mr. Talbot was an accomplished lawyer and eloquent speaker. His rapidity of utterance was extraordinary. He once argued a case before the supreme court of the United States and spoke for four hours; his address was marked by impassioned eloquence, his words flowed like a torrent and his velocity of speech was a topic of conversation with the judges after adjournment. Judge Washington wittily observed, "A person of moderate wishes could hardly desire to live longer than the time it would take to repeat deliberately that four-hour speech of Mr. Talbot's." In his long career in the United States senate, as shown by the reports of the debates of that body, his course was one of conservative patriotism and his voice in eloquent language was raised in behalf of all those measures leading to the advancement of national prosperity.

As a lawyer in practice at the bar his contemporaries were Henry Clay, Joseph H. Daviess, George M. Bibb, Jesse Bledsoe, and John Rowan. Mr. Talbot was esteemed one of the brightest of that galaxy of noted men.

MARTIN D. HARDIN was one of the prominent figures in the early history of Kentucky and was honored by high office. Born in Pennsylvania in 1780, in April, 1786, his father, Colonel John Hardin, emigrated to Kentucky, taking up his residence about three miles east of the present site of the city of Springfield. He was the victim of Indian treachery, being killed by them

while on a mission of peace. The son was then a child of about six years. He was reared in that locality and chose as a life work the practice of law, for which he prepared under the instruction of Colonel George Nicholas, one of the most brilliant and gifted lawyers connected with the Kentucky bar. Mr. Hardin engaged in practice in Richmond and afterward in Frankfort, meeting with marked success in both cities. Such was the high character of his talents that he took prestige as the leader of the bar in Richmond and Frankfort. He was a member of the legislature in 1805. In 1812 he served with the rank of major in the rifle regiment commanded by Colonel John Allen in the campaign on the northern border during the war with Great Britain, and proved himself a brave, vigilant and efficient officer. He was secretary of state from 1812 until 1816, under Governor Isaac Shelby, and was appointed by Governor Gabriel Slaughter to fill a vacancy in the United States senate, 1816–1817; was a member of the house at Frankfort and speaker in 1819. He died in Frankfort October 8, 1823, at the age of forty-three years.

In 1808 he published a volume of decisions of the appellate court which bears his name. He was a scholarly lawyer and of exalted moral worth, and was the preceptor of many aspiring young men some of whom achieved success in the arena of the legal profession. His cousin, Ben Hardin, was one of the more celebrated. He furnished his students with precept and example. Amongst other material advice which he gave to all, the following is handed down and is not amiss here, in the record of the lives of those whose examples are worthy of emulation by the youth of our own day:

"There are a few principles for governing a man's actions in life that are worth more than ordinary fortunes, especially to professional men. I will give a few: First, what you have to do, do at the first time that it can be done. This embraces many old proverbs—'take time by the forelock,' etc. It requires industry. It begets leisure. Secondly, do just one thing at a time. In other words, finish what you begin. By this rule everything will be done better and in less time. Thirdly, never use your clients' money, but inform him of its receipt by the first mail and remit by the first opportunity.

"A character for punctuality is thus acquired; a man is never ashamed or afraid to meet his client, and he is relieved from remorse, which always should attend the using of another man's money and not replacing it when wanted. I am sure that no man can habitually use his clients' money and yet always have it ready when it ought to be paid, let his wealth and credit be what they may.

"I have said nothing about strict moral integrity; this is indispensable; but I trust you stand not in need of any monitions on that head. I have attempted to make the above three rules the leading ones in my business. I never have departed from either, but I have felt the effects of it.

"You must not think that as you have got license you are a lawyer and have nothing to do but get suits.

"Occasionally mixing in company, going to public places and becoming acquainted with the people and with human nature are necessary; but habitual reading and attention (that is, remaining in your office) are indispensable.

"If you are closely and perseveringly

industrious you will succeed; if you are not, you will fail in your hopes."

JAMES T. MOREHEAD, governor and United States senator, was born May 24, 1797, near Shepherdsville, Bullitt county, Kentucky. He attended school at Russellville and completed his education at Transylvania University. He studied law with Judge H. P. Broadnax.

In the spring of 1818 he settled at Bowling Green and entered upon the practice of his profession; was elected to the legislature in 1828, and re-elected; was a delegate to the convention at Baltimore, which nominated Henry Clay for the presidency; was elected lieutenant governor of Kentucky in 1832; in February, 1834, on account of the death of Governor John Breathitt, he was inaugurated governor and filled the position to the end of the term; in 1836 he resumed the practice of law, at Frankfort, and in the following year was elected to the legislature; and in the winter of 1839 he was appointed by the legislature, in connection with Hon. John Speed Smith, commissioner to the state of Ohio, to secure the passage of a law protecting the slave property of Kentuckians. He was United States senator from 1841 to 1847, and was prominent in congress as a debater, being a fluent and graceful speaker. In the latter year he entered upon the practice of his profession at Covington, where he died, December 28, 1854.

He was one of the most able lawyers of the state, scholarly in his attainments, careful and painstaking as a writer. He gave much attention to matters pertaining to the early growth of the state, and made many valuable contributions in the nature of biography and adventure of the historic pioneer settlers. He gave considerable time to literary pursuits and by his efforts in that direction did much in giving permanency to the early history of his state. His own name will continue to occupy a place in the hearts of all who love true nobleness of character and appreciate its worth.

CHARLES S. MOREHEAD, lawyer and one of the governors of Kentucky, was born July 7, 1802, in Nelson county, Kentucky, graduated at Transylvania University, and settled in Christian county, where he engaged in the practice of the law. In 1827 he was elected to the legislature, was re-elected, removed to Frankfort and continued successfully in his profession, was appointed attorney general of Kentucky in 1832, holding the office five years, was elected to the legislature from Franklin county, and from 1838 to 1844; was speaker of the house in 1840, 1841 and again in 1844; in 1853 was again elected to the legislature, in 1855 he was elected governor of the state and held the office for the regular term of four years, his administration being characterized by wisdom and justice and receiving the general approbation of the people; in 1859 he located in Louisville in the practice of the law.

He was a delegate to the peace conference at Washington city in 1861, and subsequently at the border state convention which met at Frankfort, and used his influence in every possible way to avert the impending war. He was for a time a civil prisoner, and lost a great part of his property during the war. He was one of the state's most exemplary men and an able lawyer. He died on his plantation near Greenville, Mississippi, December 23, 1868.

JAMES HARLAN, of Frankfort, was born in Mercer county, Kentucky, June 22, 1800, and died in Frankfort, February 18, 1863. After acquiring a good English education he engaged in mercantile pursuits until reaching manhood, when he studied law and was admitted to the bar in 1823. In 1829 he was appointed commonwealth's attorney, holding the office four years. In 1835 he was elected to the lower house of congress, was re-elected in 1837 and during the latter session was chairman of the committee for investigating defalcations. From 1840 until 1844 he served as secretary of the state of Kentucky under Governor Letcher, and in 1845 was elected to represent his district in the state legislature, while in 1850 he was elected attorney-general of Kentucky and again in 1855, holding office until 1859; and was United States district attorney for Kentucky from 1861 to the date of his death. He was a lawyer of great ability and was one of the most worthy and successful members of his profession in the state. One of his sons, James Harlan, became a judge of the circuit court at Louisville, and another, John Marshall Harlan, associate justice of the United States supreme court.

JOHN RODMAN, of Frankfort, was born in Henry county, Kentucky, on the 6th of August, 1820, and died on the 24th of October, 1886, in Louisville. He was a son of Colonel John and Patsey (Foree) Rodman, the former a native of Berks county, Pennsylvania, the latter of Prince Edward county, Virginia. Colonel John Rodman was a soldier in the war of 1812, and did good service in the northwest. At the close of the war he returned to Kentucky and shortly afterward married Miss Foree, locating in New Castle, where he became prominent. His urbanity, enterprise, high personal courage, great interest in and knowledge of public affairs quickly brought him to the front and won for him the love and confidence of his fellow citizens, who, almost by common accord elected him to represent his district in the lower branch of the state legislature. He was afterward elected state senator and was a faithful and efficient member of the general assembly; but almost at the beginning of his public career, in the prime of life — ere he had attained the full measure of his usefulness — he was stricken by disease (cholera) and died, in 1833. He left his widow with six sons, all of tender years. He had provided a competence to supply the needs of youth and to provide them with a good education. Not the least important part of their training in boyhood, however, came from the noble mother who devoted herself untiringly to the interests of her sons, carefully and tenderly rearing them and making noble men and good citizens of all, save one who died in early youth. No matron of old Rome, no Cornelia, had more confidence in or was ever prouder of her boys than was Mrs. Rodman. The tact and skill that she displayed in developing their young minds and in inspiring them with noble principles, manly sentiments and laudable ambitions, was wonderful; and it was a grand and touchingly beautiful sight to look upon the love-begotten power of control that she possessed and exercised, even in her declining years, over their fully developed hearts and minds. She lived to an old age and saw them all succeed in their several callings; yet during her long life her watchfulness, motherly care for and devotion to them never weakened, never ceased.

The pure, untarnished character of her son, John Rodman, most plainly exhibited the impress of her formative hand. His whole career, in all the walks of life, in the bosom of his family, in the church, on the rostrum, in the legislature, at the bar, demonstrated that his heart and mind had been trained and developed; that his intellectual and moral character had been molded by a pure, brave and self-reliant woman, for at no time, under no circumstances, did he ever do a thing or utter a sentiment incompatible with the teachings of such a woman. His character was ruggedly masculine, yet there was about it a touch of the feminine,—a halo of womanly tenderness and purity.

Mr. Rodman married young and was an exemplary husband. His first wife was Ann Eliza Russell, and his second her sister, Harriet Virginia Russell, of Franklin county, Kentucky. He had ten children, six sons and four daughters. Early in life Mr. Rodman became an earnest but unobtrusive Christian. He was eminently domestic in his tastes and home was his earthly paradise; there he seemed ever happiest, brightest and most lovable.

Physically he was scant six feet, with dark hair, blue eyes and dark complexion; was lithe, active, strong, and possessed an alertness and elasticity of movement that even in his more advanced life challenged attention. His bearing and carriage were superb. Morally and physically brave, tender-hearted and ever regardful of the feelings of others, he was unique in that while he was the most attached, devoted, thoroughgoing and self-sacrificing of friends, he was palpably combative, and occasionally imperious and aggressive. Always brimfull of charity and cheerfulness, without a spark of hate or envy about him; abounding in humor and illustrative anecdotes, his conversation and company were at all times agreeable and interesting, not only to those who loved him but also to those who did not. He was strongly magnetic,—to some highly attractive, to others repellent.

An industrious, able and successful lawyer, he won and held with an unrelaxing hand during a long life at the bar a large and lucrative practice. He removed to Frankfort about 1852, a young lawyer of thirty-two years, without money, but full of energy, pluck and perseverance. He met at this bar such men as John J. Crittenden, Charles S. Morehead, Ben Monroe, Judge John Hewett, Thomas N. Lindsey and W. D. Reed. It was only a short time until he took a leading position as a lawyer and advocate, and was thus ranked until his death. He was a superb and fearless advocate and was strongest in addressing a jury. A splendid judge of human nature, he understood how to catch the attention, capture the hearts and feelings of a jury and hold them with wonderful tenacity. Before a jury his skill and power as an advocate might well have been envied by a Choate, a Conkling or a Voorhees. Among the many criminal causes with which he was connected as counsel was the trial of Thomas Buford for the assassination of Appellate Judge John M. Elliott. His prosecution will go down in history as one of the most celebrated criminal arguments ever addressed to a Kentucky jury. His knowledge of medical jurisprudence, his energetic oratory, his use of testimony, his terrific arraignment of the accused for the violation of law, his scornful denunciation of the character of the crime of the accused, made one of the most powerful and effective addresses ever heard

at the Frankfort bar. The result was that the murderer was condemned to a long termin the penitentiary. Mr. Rodman also prosecuted with marked ability John J. Cornelison for his assault upon Judge Richard Reid of the superior court.

Mr. Rodman won distinctive honors in the field of politics and for a number of years was recognized as one of Kentucky's leading statesmen. He was twice elected to represent his district in the state legislature, and in 1867 was called to the office of attorney general of Kentucky, which he retained for eight years under the administrations of Governor John W. Stevenson and Governor Preston H. Leslie. The important litigation with which he was connected during his official service gave him a prestige at the Kentucky bar which nought could disturb. On his retirement from the office of attorney general he became official reporter to the court of appeals, in which position he served until his death, which occurred in Louisville, while he was *en route* for Frankfort.

The acknowledged leader of the Frankfort bar, John Rodman died honored and respected by all who knew him. His mind was acute, clear, quick in perception and rapid in deduction, just that kind that fitted him for a successful *nisi-prius* practitioner; sometimes he seemed to doze, or to be more on the lookout for fun than for downing his opponent, but this was only seemingly so; he rarely napped or failed to have the law and facts of his case well in hand, to take in all his surroundings, to catch and note all the weak, frivolous or assailable points of his adversary's case or to grasp them with deftness and to hold on to them with the strangling force of a trained athlete. Quick at repartee, skillful in defense, vigorous in assault, he was ever a formidable adversary. With a quick preception and keen appreciation of his surroundings he grasped with ease and grace the strong and winning facts and points of his side with the grip of a giant and flung them always clothed in forcible and apposite language before the jury with a force and effect of a cyclone, ever relying more on the strength of his proof than the weakness of his opponents. But his chief characteristics as a jury lawyer and as an advocate, wherein he was greatest, were his undaunted courage, fiery earnestness and daring zeal. He never appeared daunted or surprised at anything that turned up on a trial, but gave his thrusts and made his cuts and parries with as much skill and aptitude as if he had read the mind of his antagonist, and had foreknown every movement, every incident of the conflict. Quite at home in the elementary principles of the law, full to the tips of his fingers with precedents, well versed in American and English history and literature, up to date in all the news,—religious, social, political and scientific,—his oratorical arsenal was well supplied with all necessary weapons of offense and defense, bright and apt for use. He was ever ready with whatever the occasion might require, whether it was logic, sophistry, wit, humor, anecdote, ridicule, sarcasm or pathos; and besides was master of a bold, broad style of denunciation that an O'Connell might have envied. He was always kind, gentle and helpful to all young and inexperienced attorneys and gave them all the assistance he could.

PATRICK UPSHAW MAJOR, of Frankfort, was born in the capital city in the year 1822. His father, Samuel I. M. Major, who for many years served as deputy

clerk of the United States courts at Frankfort, was born at Bryant Station, Kentucky, in 1792, his parents locating there after their entry into this state from Virginia. The family were among the earliest of English emigrants to the colony of Virginia and established a home in York county. One of the representatives of the name served as speaker of the house of burgesses of Virginia in 1665. On the paternal side Judge Major is also connected with Oliver Cromwell, the great commoner, his son, Richard Cromwell, having married Dorothea Major.

The mother of the Judge, Mrs. Martha H. Major (*nee* Bohannan), was born in Woodford county, Kentucky, on a farm adjoining the Crittenden homestead, where Hon. J. J. Crittenden first saw the light. Her people were also Virginians, coming from Essex and Caroline counties, where several of her ancestors held the high office of justice through several generations.

Patrick U. Major was educated in a private academy in Frankfort conducted by B. B. Sayre, a graduate of Kenyon College, of Ohio, one of the most profound scholars and ablest teachers of his day. On leaving that institution Mr. Major entered the junior class of Union College, of Schenectady, New York, in 1840, and was graduated with honor in 1842. While in that school he became one of the founders of the Chi Psi society, was the first presiding officer of the same, and has always been one of its most loyal members. The organization is now one of the oldest, strongest and most conservative of the eastern fraternities. In its formation Judge Major was associated with such men as Major-General James C. Duane, Colonel Alexander C. Berthoud, Hon. James L. Witherspoon, Hon. William F. Terhune and Philip Spencer, son of the secretary of war at that time. The society includes within its membership at the present time some of the most noted men of the nation, among whom are Chief Justice M. W. Fuller, Thomas B. Reed, speaker of the lower house of congress, and others.

After his graduation at Union College in 1842 Mr. Major returned to Frankfort and studied law under the instruction of Hon. T. B. Monroe, then judge of the United States district court, and also under Hon. Charles S. Morehead, afterward governor of Kentucky. He was admitted to the bar in 1844 and in 1852 was elected county attorney on the Democratic ticket, the first member of that party ever elected by the people to any office in the county, which previously had been a Whig stronghold. In 1856 he was elected commonwealth attorney for the eighth judicial circuit, comprising eight counties, and for six years served in that capacity most acceptably to the public. In 1870 he was elected judge of the eleventh judicial circuit to fill a vacancy, and afterward at a regular election was chosen for a full term of six years. On retiring from the bench he resumed the active practice of law which he continued up to 1893, and even now occasionally appears as the representative of the interests of some old client. He has been connected with some of the most important litigation in his section of the state, including the trial of Gill versus the Robert heirs, tried in Shelby county circuit court and involving the title to fifteen hundred acres of land. He defended Bohannon in the case of the Commonwealth versus Bohannon, which was the means of settling the Kentucky law on the subject of self-defense, and was one of the lawyers in the following: United States versus Williams et

al., involving the cases of parties violating Kentucky law and indicted in the United States courts when negroes were the only witnesses; as was then the law, negroes could not testify in the state courts and such cases were commenced in the United States courts; also United States versus Kirby, which was finally tried in the United States supreme court, and involved the right of a state officer to arrest a United States official for an offense against the state while executing a public duty, in which the action of the former was sustained; and the Commonwealth versus Terrell for the killing of Colonel Harry Meyers, as well as for defense in Commonwealth versus Stevens, who was acquitted of a charge of assassination on change of venue to the Henry county circuit court.

Judge Major, while in active practice, was regarded as one of the most prominent representatives of the profession. Thoroughly versed in the science of jurisprudence and equally at home in every branch of the law, his defenses were able, logical and convincing. His arguments showed thorough preparation, and he lost sight of no fact that might advance his client's interests, and passed by no available point of attack in an opponent's argument. On the bench his rulings were ever just, incisive and incapable of misinterpretation. With a full appreciation of the majesty of the law he exemplified that justice which is the inherent right of every individual, and fearlessly discharged his duties with a loyalty to principle that knew no wavering. He has the sincere respect of the entire Kentucky bar, and has long occupied a place in the foremost ranks among its distinguished members.

Judge Major is one of the most valued and honorable members of the Masonic fraternity, has taken twelve degrees in the York and thirty-two degrees in the Scottish rite, and is devoted to the principles of the order. He is also a worthy member of the Odd Fellows society. He has been a lifelong communicant in the Episcopal church, and has ever been active in furthering those interests which promote the welfare of mankind. With him friendship is inviolable and he not only makes many friends but has the happy faculty of drawing them closer to him as the years pass by.

WILLIAM JACKSON HENDRICK, of the Frankfort bar, was born in Flemingsburg, Kentucky, March 22, 1855. His father was Rev. James P. Hendrick, D. D., minister of the Presbyterian church; his mother, Sophia (Darnall) Hendrick. His education was acquired under instruction of private tutors and the personal care of his father until he entered Center College, Danville, where he graduated in 1873. He taught school and studied law until 1876, when he was licensed to practice and entered upon the profession at Flemingsburg. He represented his county in the legislature in 1881–2, was assistant elector-at-large on the Democratic ticket in 1884, and in 1888 elector from the ninth congressional district. In 1890 he was elected to the constitutional convention, where he was an active participant in the debates and an important factor in the formulation of the fundamental law of the commonwealth. In 1891 he was nominated and elected attorney-general of the state, and filled the office for the term of four years, during a period fraught with much important litigation, the administration of the office demanding extraordinary care, activity and ability. The constitution of 1890 went into operation

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during that period and brought forth a number of very important questions, which it was his province to bring before the courts that judicial decisions might be rendered. As shown by the records his duties were discharged with energy and acumen.

Personally popular, his genial smile, quick wit and happy anecdote are welcomed by his professional brethren everywhere. His official service and his political canvasses have given him a wide acquaintance throughout the state, and his versatile mind, ever active, his wonderful memory of faces, names and incidents, have kept him in touch with the prominent men of the state. He is a speaker of great force, and his wide reading of the literature of the world, and his familiarity with the arts and sciences, render his addresses ornate, beautiful and instructive. To the education of the lawyer he has added the polish of the scholar. In his office he has a law library hardly second to any in the state, and in his beautiful home the works of the best authors of all ages are ready at hand to amuse and instruct.

Since the close of his term as attorney-general Mr. Hendrick has represented the state in a number of important suits instituted during his term, several times appearing for Kentucky in the supreme court of the United States, where he has won some important cases. He has a large clientage, not confined to the state, his services being in demand in the courts of Washington and in important negotiations in the east.

Mr. Hendrick was married September 25, 1878, to Miss Mattie Harris, daughter of Hon. John W. Harris, of Boone county, Missouri. Mrs. Hendrick has added to a good education by foreign travel, and presides in her beautiful home dispensing its charming hospitalities with dignity and grace.

THOMAS N. LINDSEY, of Frankfort, was born in Campbell county, Kentucky, in 1808, and died in November, 1877. His father, John B. Lindsey, was born in Ireland, and became a prominent and influential citizen of Newport, Kentucky. He had a brother, Rev. Marcus Lindsey, who was a celebrated Methodist minister. On the mother's side Thomas Lindsey came of one of the old and honored families of Virginia. He acquired his early education in Augusta College at Augusta, Kentucky, then under the presidency of Martin Ruter, and studied law in Newport, Kentucky, with Richard Southgate. He entered upon the practice of his profession in that place in 1832, and three years later removed to Frankfort, where he spent his remaining days. There his abilities were soon recognized by his fellow-citizens of Franklin county, who in 1843 made him their representative in the state legislature. From 1845 until 1848 he held the office of commonwealth attorney; was elected state senator in 1850 and again in 1855, and in 1849 represented Franklin county in the constitutional convention. In 1868 he was elected to the presidency of the Farmers' Bank of Kentucky, at Frankfort, holding that office until the spring of 1876.

Deeply interested in the welfare of his city and state, Mr. Lindsey labored earnestly for its interests, an exemplification of this being seen in his efforts for the advancement of commerce by the improvement of the Kentucky river and the building of the railroad from Lexington to Frankfort—one of the first railroads constructed in the United States. Until the breaking out of the civil war he was a member of the Whig party, but was afterward identified with the Democracy. A valued and frequent contributor to the press, many of his articles,

published in the Democratic papers, gained a widespread circulation and brought down upon him the enmity of the military authorities in Kentucky, so that he retired from political life. He was distinguished in his profession for his devotion to the cause of his clients, for a straightforward career that swerved not from the path of right as he saw it and for his safe financial and executive ability. Socially he was connected with the Masonic fraternity, and in the later years of his life he held membership in the Presbyterian church.

Mr. Lindsey was married in 1834, in Frankfort, to Isabella P. Weisiger, daughter of Daniel and Lucy Weisiger, who removed from Virginia to Frankfort in 1782. After the death of his first wife Mr. Lindsey married Mrs. Lucy (Benham) Applegate. His children born of the first marriage were Daniel W. Lindsey, John B. Lindsey, Mrs. Maria L. Thomas, Mrs. Lucy W. Blayney, Thomas N. Lindsey, Mrs. Mary B. Fitch and Joseph W. Lindsey.

JOHN B. LINDSEY was born in Frankfort, on the 4th of July, 1837, and his life is in contradistinction to the spirit of the proverb that a prophet is never without honor save in his own country, for in the city of his birth he has risen to an eminent position at the Frankfort bar. He is now associated in business with his brother, General D. W. Lindsey, with whom he was a classmate in a private school conducted by B. B. Sayre, and also the Kentucky Military Institute. His health becoming impaired he removed to Texas in 1856, and in the Lone Star state engaged in farming, seeking in this outdoor occupation the health which had failed under his rigorous mental work. After some years he returned to the state of his nativity, where he also followed farming until 1863, after which he engaged in general business until 1874. In that year he was admitted to practice, having previously studied law under the direction of his father, the Hon. T. N. Lindsey, one of the distinguished members of the bar. He became associated with his brother, General D. W. Lindsey, a connection that has since continued until the firm has gained a reputation that places it among the foremost legal partnerships in the state. Mr. Lindsey is making a specialty of chancery cases. He has the reputation of being the most painstaking and diligent lawyer at the bar in the preparation of his papers and his cases. He is a careful and safe counselor, is thoroughly informed concerning all authorities, and in pleading his cause his eloquence, logic and undisputable argument are seldom surpassed.

Mr. Lindsey was married in 1860 to Miss Helen Talbot, daughter of William G. Talbot, a large landowner of Bourbon county, Kentucky. They have eight children: William J., Dudley, John B., Maria, Isabelle, Cordelia, Lillian and Genevieve. The family attend the Protestant Episcopal church.

DANIEL WEISIGER LINDSEY, of Frankfort, was born October 4, 1835, a son of Hon. Thomas N. Lindsey and a representative of a family that has furnished several leading members to the bar of the state. He pursued his education in a private school conducted by B. B. Sayre, a teacher of wide repute, and later a graduate at the Kentucky Military Institute. In 1854 he commenced the study of law with his father and took a full course in the Louis-

ville Law School, graduating with the class of 1857. He commenced the practice of law in Frankfort, where he soon won considerable prominence, and was thus engaged when the country became involved in civil war.

At that time Mr. Lindsey was captain of a company in the Kentucky state guards, which in May, 1861, met in state encampment in Alexander's woods. While there he learned that the state guard was not to be used to aid the nation in preserving its existence, and immediately marching his company from the camp to its armory in Frankfort he then resigned his commission and assisted General Nelson in the organization of the federal troops at Camp Dick Robinson. About the 1st of September, 1861, he was commissioned as chief of staff to General Thomas L. Crittenden, and in October, of the same year, he was commissioned colonel and recruited the Twenty-second Kentucky Volunteer Infantry, with which he entered the field, participating in the campaign in the Big Sandy valley, under General Garfield, and in the capture of Cumberland Gap, under General G. W. Morgan. At Memphis, Tennessee, he was placed in command of a brigade and participated in the campaigns against Arkansas Post, Vicksburg and Jackson, Mississippi. Later, under general order, the Thirteenth Army Corps, to which he belonged, was transferred to the Department of the Gulf. On the 14th of October, 1863, he resigned his command to accept the position of inspector general of Kentucky, and in 1864 was commissioned adjutant-general of Kentucky, which position he held until the fall of 1867.

In January, 1868, General Lindsey resumed the practice of law in Frankfort, in connection with his father, and the partnership continued up to the latter's death, in November, 1877, since which time he has been associated with his brother, John B. Lindsey. Although he is thoroughly well-informed on all branches of the law, and was for some years a general practitioner, he has of late years confined his efforts to civil cases in the state and United States courts. He is now attorney for a large number of important corporations and has a valuable clientage among the merchant class. His pronounced ability in this direction has gained him marked prestige at the Kentucky bar, which numbers so many able members. He is also closely identified with the business interests of the capital city. Since 1868 he has been a director of the Branch Bank of Kentucky, and since 1884 its president. He is president of the Capital City Gas and Electric Light Company, of the Frankfort Water Works Company, is vice-president of the Kentucky Midland Railway Company, and a director of the Kentucky River Twine Mills. His connection with the municipal affairs of Frankfort came through his position as a member of the city council for several years.

In January, 1864, General Lindsey was united in marriage with Miss Katherine McIlvain Fitch, a daughter of Thomas B. Fitch, a prominent merchant of Daviess county. They have four children living: Thomas Noble, Henry Fitch, Daniel Weisiger and Katie Fitch. He has been a communicant in the Protestant Episcopal church since 1862, and shortly after attaining his majority he united with the Masonic fraternity. He is now a Knight Templar Mason and belongs to the Independent Order of Odd Fellows.

The standing of General Lindsey among

his fellow members of the bar and with the public at large was plainly manifest, in 1879, when he was so strongly recommended for the appointment of United States district judge, to fill the vacancy caused by the death of Judge Bland Ballard. Many were the complimentary letters written in his behalf, and the following, from General W. T. Sherman, shows his standing in military circles as well as in legal. It is a just tribute to his sterling worth of character. The letter reads:

"I do feel qualified to speak of General Lindsey as a gentleman and patriot. In 1861, when the safety of this nation hung in the balance and the state of Kentucky seemed the pivot, certain young men, of whom Lindsey was one and prominent, openly joined the Union army, turned the scale and carried the state of Kentucky into the right path, which led us to victory and national safety. I was there, and shall ever bear testimony to the fact. This government can never do too much for such men as Lindsey, Crittenden, Buckner, Board, Jackson and Rosseau, who at that critical time manfully resisted the influence of Breckenridge, whose personal popularity was almost supreme."

Although the General did not receive the appointment, this letter and the commendation of the entire Frankfort bar indicate the prominent position he occupies in the legal fraternity, a position which adds new luster to the honored name that he bears.

THOMAS NOBLE LINDSEY, the eldest son of General Daniel W. Lindsey, was born on the 10th of February, 1867, in Frankfort, where he still makes his home. His literary education was acquired in the University of Virginia and he was prepared for the legal profession by a course in the Cincinnati College of Law, graduating May 25, 1892, and on the 29th of the same month was admitted to the bar of Kentucky. He is now his father's assistant, while his efficient educational training, his capacity for work, and his ambition augur well for future successes. He is a Knight Templar and a "Shriner."

DANIEL W. LINDSEY, JR., who was born December 24, 1871, was graduated at Princeton College, Princeton, New Jersey, with the class of 1894, and graduated at the Cincinnati College of Law May 27, 1896.

The name of Lindsey is inseparably connected with the history of the legal profession of Kentucky. For more than sixty years representatives of the family have been prominent at the bar. Grandfather, sons and grandsons have stood before judge and jury as exponents of that justice which is the inherent right of every individual and have, with truth, eloquence and power, won the cause for which they pleaded, and made for themselves a name that stands high on the roll of eminent Kentucky lawyers.

WILLIAM GRIGSBY BULLITT, of Frankfort, was born in Shelby county, Kentucky, on the 16th of May, 1833, and is a representative of one of the old and honored families of the south that has figured prominently in the history of the nation for more than two centuries. At the time of the revocation of the edict of Nantes, Benjamin Bullitt, a Huguenot, fled from France to escape persecution and sought religious liberty in the "land of the free,"

He took up his abode in Port-Tobacco, Maryland, a short distance south of the present site of Washington, District of Columbia. This was in 1685, and from that early period down to the present time members of the family have aided in shaping the destiny of the nation, as foremost representatives of the judiciary and as leaders in the council chambers of the republic.

Cuthbert Bullitt, the great-grandfather of the gentleman whose name introduces this article, was born in Virginia and became a distinguished lawyer of that state. For many years he successfully engaged in practice and was then appointed a judge of the supreme court, in which capacity he was serving at the time of his death. Both he and his brother, Colonel Thomas Bullitt, were prominent factors in the public life of Virginia during the period from the French and Indian to the Revolutionary war, and afterward Cuthbert Bullitt became one of the most conspicuous figures at the bar of the state. His son, Alex Scott Bullitt, was born in Prince William county, Virginia, in 1761, and in 1784, six years after his father's death, emigrated to Kentucky, then a part of the Old Dominion. He located in what is now Shelby county, but on account of the hostility of the Indians he removed, after a few months, to Jefferson county, entering there a tract of land on which he made his home through the remainder of his days. He married Annie Christian, daughter of Colonel William Christian, of the American army, who, it was hoped by his friends, would be placed in the position of commander-in-chief of the colonial troops in the war of the Revolution. In April, 1786, with a party of ten men, he started in pursuit of a small band of Indians, who had been committing depredations in the neighborhood. Two of the red men, on finding escape impossible, turned on their pursuers and mortally wounded Colonel Christian.

Alex Scott Bullitt continued to make his home in Jefferson county, and in 1792 was made its delegate to the convention in Danville, where in connection with George Nicholas he drafted the first constitution of Kentucky. After the adoption of the constitution he represented the county in the state legislature, and was president of the senate until 1799, when he was again chosen a delegate to amend the constitution, which met at Frankfort. Of this convention he was chosen president. The following year he was elected lieutenant governor of the state and served one term (1800–1804). He was then continued by repeated re-elections a member of either the house of representatives or the senate until 1808, when he retired to private life, making his home on his farm in Jefferson county until his death, April 13, 1816.

Cuthbert Bullitt, the father of our subject, was born in Jefferson county, Kentucky, in 1780, and he, too, turned his attention to the practice of law as a life work. His superior talents and eminent legal ability soon gained him a high reputation and for a number of years he was accounted one of the leading members of the Shelby county bar. At length he retired from professional life and gave his attention to the more quiet pursuit of agriculture. Called to public office by the vote of the people he served in the state legislature and in 1835 made a canvass for congress with every appearance of election, but on account of illness gave up the race. He died in Louisville, in 1855. His wife, Harriett (Willett) Bullitt, was of Welsh extraction, the first American ancestors coming to Maryland in 1690. She was

born in Rockbridge county, Virginia, and in her girlhood came with her parents to this state, locating in Jefferson county, where her father engaged in the practice of medicine. Mr. and Mrs. Bullitt became the parents of five sons and five daughters. Alex Scott Bullitt, the eldest, who died in early manhood, was a member of the bar of La Grange, Oldham county, Kentucky; Willett Bullitt, who for some years engaged in the practice of law in Warsaw, Trimble county, Kentucky, and later became a prominent practitioner in New Albany, Indiana, died in 1872. Henry M. Bullitt became a physician and professor in Transylvania University; and Cuthbert is also a medical practitioner, doing an excellent business in Texas.

The other son of the family is Judge William Grigsby Bullitt, of this review. He was a student in the preparatory department of Shelby College for two years, after which he completed one year's work in the college department of that institution. He continued his education in South Hanover College, near Madison, Indiana, for one year, then returned to his native county, where he worked on his father's farm until he took up the study of law in the office of Willett Bullitt, of New Albany, Indiana. It is not strange that he seemed to incline instinctively to this favorite profession of his family; nor is it more than justice to say that in his chosen calling he has added new luster to the reputation made by his ancestry at the bar of Virginia and Kentucky,—so famous for their many brilliant members. He was admitted to practice at Owensboro, in 1854, and at once opened an office in Calhoun, McLean county, Kentucky, where he remained until the spring of 1858, when he removed to Paducah, his place of residence until 1892.

In the meantime he had become prominent in the affairs of the state through the time of civil strife. He was a member of the convention which met at Russellville and declared Kentucky to have seceded from the Union. In 1861 he recruited a regiment for service in behalf of the Confederacy, joining the cavalry troops under Ben Hardin Helm. Later Mr. Bullitt was commissioned major of the Sixth Kentucky Cavalry, which was attached to General Morgan's command, and with him participated in the Ohio raid. At Cheshire, Ohio, Major Bullitt was taken prisoner, and finally was paroled, entering the Confederate lines below Richmond, but taking no further part in active service on the field. He had previously participated in the battles of Stone river,—in which he was on the skirmish line,—Fort Donelson, and other engagements in Tennessee, Kentucky and Ohio, being in command of his regiment during the greater part of the service.

After the fall of the Confederacy Major Bullitt returned to Paducah, and in January, 1866, resumed the practice of law there. He was elected judge of the city courts in 1870, and in 1888 was appointed judge of the circuit court by Governor Luke P. Blackburn, to fill the vacancy caused by the death of Edward Crossland. On the expiration of the term he declined a nomination, preferring to take up the more lucrative private practice, which had grown to extensive proportions. In 1890 he was made a delegate to the constitutional convention and took an active part in formulating the present constitution of the state. He was a valued member of that body, and his sound opinions contributed materially to the framing of the important document which was the work of the assemblage.

Almost a century before, his grandfather had drafted the first constitution of the state, and thus has the name of Bullitt been indelibly engraved on the pages of Kentucky's history.

In 1892 Mr. Bullitt removed from Paducah to Frankfort, where he has since been engaged in the court of appeals, the fiscal court and the United States court. He has been actively interested in much of the litigation of the district, but confines his attention chiefly to civil, chancery and land cases. He was retained as counsel in the well-known case of Franke vs. the Paducah Water Company, and also on the case of the Paducah Ship Company, in liquidation, concerning the question of the distribution of the estate and involving the disposal of many thousands of dollars. He undoubtedly inherited a singular aptitude for the science of jurisprudence; to this he added thorough preparation, while his inflexible love of justice, his diligence in preparing his cases and his earnest devotion to his clients' interests has made him a power at the Frankfort bar.

In 1892 Mr. Bullitt was united in marriage with Miss Catherine Crowe Pilkington, a native of Fayette county, Kentucky, a daughter of Dr. Samuel C. Pilkington and Mary Lyle McDowell. In his political adherency he is a Democrat, but official preferment has had no attractions for him. He holds membership in the Protestant Episcopal church. A man of scholarly attainment, his life has been largely given to study, and he has that broad mental ken that comes from wide reading and deep thought on the more serious questions which have called forth the attention of learned men through many ages.

JAMES ANDREW VIOLETT, of Frankfort, was born in Owen county, Kentucky, on the 22d of July, 1852, and is decended from French ancestors who located in Virginia in the early days of American settlement. The grandfather, John Violett, was born in the Old Dominion and in pioneer days came to Kentucky, locating in Henry county, where Leland Violett, father of our subject, was born. The latter became an agriculturist and married Miss Polly Walker, of Owen county, Kentucky, daughter of William Walker, a native of England, an extensive land and slave owner and agriculturist.

James A. Violett was reared on his father's farm, and in his early youth received the ordinary educational privileges afforded by the common schools. Later he completed his literary course in Harrisburg college, of Harrisburg, Owen county, Kentucky, and then began reading law in a class of students who were instructed by Judge Cofer, of the court of appeals. He secured his license to practice in 1879, in Frankfort, where he established an office and at once began the active prosecution of his profession. In 1882 he was elected county attorney, serving one term, and in 1895 he was elected to represent his district in the state legislature, wherein he was made a member of the committees on constitutional amendments, on public buildings, libraries, and on county and city courts. He had made the canvass for the office as a Democratic advocate of sound money as opposed to the free coinage of silver, and when in the house he was one of the five members of his party who refused to support Senator Blackburn for the United States senate. He is a man of firm convictions, unalterable in his defense of what he believes to be right, and

he maintained his position in support of a gold standard when in the house in the face of the strongest opposition, against the influence of the party leaders and though promised positions of power. Nothing could swerve him from the path of duty or prevent his courageous defense of the right as he saw it.

Mr. Violett engages in practice of a general character and is thoroughly well informed on all branches of the law, conducting with equal success both civil and criminal cases. He is a forceful speaker, a logical reasoner and seeks to convince by facts more than by persuasive eloquence, that often hides the truth under rhetorical adornment. His clientage is large and is a gratifying tribute to this ability.

Mr. Violett was married to Miss Alice Bell Deakins, daughter of John T. Deakins, of Shelby county, Kentucky. They have three children: Luther Francis, a student of Georgetown College; Mary Will, who is attending the Frankfort College in this city; and Walter Boyd, who is attending the city schools. Mr. Violett is a member of the Baptist church, and socially is connected with the Independent Order of Odd Fellows.

THOMAS LEWIS EDELEN, of Frankfort, was born in Harrodsburg, Kentucky, December 28, 1857. His father, James H. Edelen, a merchant of that place, was a native of Marion county, Kentucky, and a representative of one of the old families of Maryland, its founders in Kentucky coming from Carroll county, that state, in the early part of the present century. The mother of our subject bore the maiden name of Mary S. Lewis and was born in Mercer county, Kentucky, a daughter of Thomas Lewis, a merchant of Harrodsburg, who in an early day came to Kentucky from "the cradle of the American nation," Virginia.

Thomas L. Edelen acquired his education in the academic schools of Lebanon, Kentucky, and at Center College, of Danville, graduating at the latter institution in 1877. His choice of a profession which he wished to make his life work fell upon the law, and he began preparation for its practice as a student in the law office of W. B. Harrison, of Lebanon, Kentucky, being admitted to the bar in January, 1879. He practiced as a member of the Lebanon bar until September, 1891, when he removed to Frankfort and entered into partnership with Hon. J. Proctor Knott, ex-congressman and ex-governor of Kentucky and now dean of the law department of Center college, of Danville, Kentucky. Mr. Edelen has since continued a member of the Frankfort bar and has been retained on many important cases. He represented the public printer and secretary of state of Kentucky in the case of Miller versus Johnson, which involved the question of the legality of the adoption of the constitution of 1891, and was also retained as counsel on the case of Norman, state auditor, versus the Kentucky Board of State Managers, involving the legality of the appropriation made by the legislature to the Columbian Exposition at Chicago. His practice for years has been almost exclusively in civil cases and before the court of appeals. A close and thorough student, Mr. Edelen never approaches a case without completely mastering all of its phases, and his argument of a law point is concise and thorough, leaving nothing unsaid. A man of the very highest integrity, with character unimpeachable, his success is the result of

constant application, and a regard for the interests confided to his care, which are watched and protected as his own.

On the 19th of November, 1884, was consummated the marriage of Mr. Edelen and Miss Eliza Bull, daughter of John C. Bull, of St. Louis, a prominent business man of the Missouri metropolis. They have two children, Lida Payne and James Leonard. The family attend the Presbyterian church and Mr. Edelen is serving as deacon therein.

SUPERIOR COURT OF KENTUCKY.

BY HON. A. E. RICHARDS, OF THE LOUISVILLE BAR.

PRIOR to 1882 there was only one appellate court in the state of Kentucky, styled "Court of Appeals of Kentucky." Under the constitution then in force that court was limited to a membership of four judges. The growth in population and business caused such an accumulation of cases that the question of relief was taken up by the bar and resulted in a recommendation to the legislature for the passage of an act establishing the "Superior Court of Kentucky." The statute divided the state into three districts and provided for the election of a judge from each at an election to be held on the first Monday in August, 1882. The court was given exclusive jurisdiction of all appeals except as provided in the act. Those exceptions were in the following language:

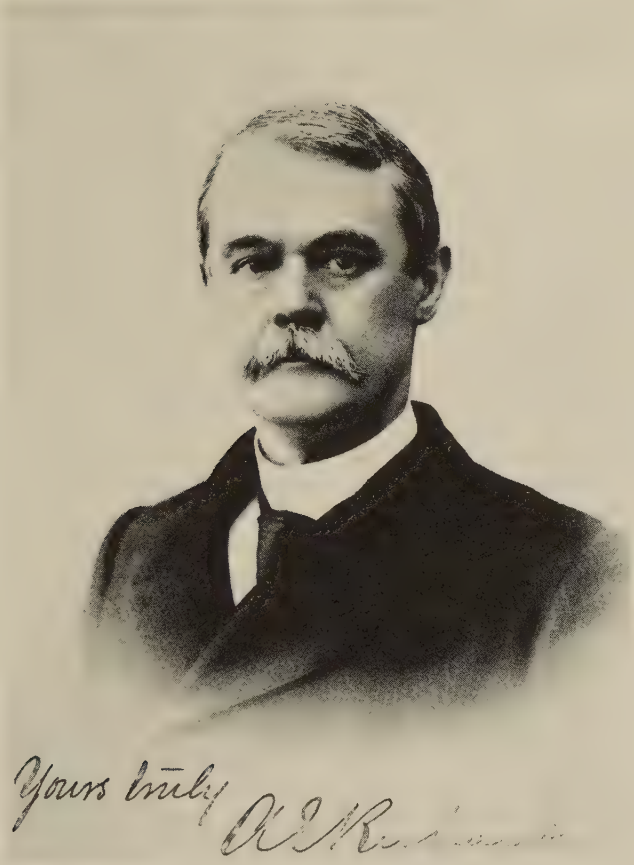
"The superior court shall not have appellate jurisdiction of any appeal where there is involved (1) the validity of a statute; (2) the title to a freehold or right to a franchise; (3) nor in cases of felony; (4) the probate of a will; (5) judgments for money or personal property if the value in controversy be greater than three thousand dollars exclusive of interest and cost."

The term of office for each judge was fixed at four years. The sessions of the court were to be held at Frankfort, the capital of the state, and the court to be open every judicial day in each year except during the months of July and August. The sessions of the court were to commence on the first Monday in September, 1882, and all appeals pending in the court of appeals at that date, of which the superior court had jurisdiction, were to be transferred to the docket of the latter court. At the August election James H. Bowden, A. E. Richards, and Richard Reid were chosen as the first judges of the court.

Judge Bowden was practicing law at the time of his election. The only positions of public trust that he had held prior thereto were those of common-school commissioner and representative in the Kentucky legislature. He was a hard worker during his term of office, and his opinions bear evidence of his fine scholarship. He was re-elected in 1886, but was not again a candidate. After his second term expired he returned to Russellville, where he is now a distinguished member of the bar enjoying the well merited confidence of his associates and neighbors.

Judge Richards graduated in the law department of the university at Louisville. He began his profession in that city in 1868, where he resided at the time of his election.

Judge Reid was born in Montgomery county, Kentucky, October 3, 1838, received the basis of his education at home and completed his studies at Georgetown College. He began the study of the law



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at an early age in the office of Judge Alvin Duvall in Frankfort, and finished in the office of Governor Thomas P. Porter, at Versailles, becoming his partner and practicing with him two years. He then returned to Mt. Sterling, where he was engaged in his profession at the time of his election. He had never held any public office, but had been a prominent candidate for the Democratic nomination for judge of the court of appeals in 1879. He was a Christian gentleman and an able lawyer. Of his tragic death, which terminated his career of usefulness before his term of office expired, we will speak hereafter.

The court thus constituted met in Frankfort the first Monday in September, 1882, and organized by electing Judge Bowden as its first presiding judge; John L. Elliott, of Bath county, as sergeant-at-arms; John H. Stewart, of Clark, as deputy; and H. S. Ellis, of Frankfort, as janitor. It was provided in the organization that each member of the court should serve one-third of his term as presiding judge.

According to the provisions of the statute the court of appeals immediately transferred to the superior court all cases under submission that came within the jurisdiction of the latter, being three hundred and eighty-eight in number. There were also upon the first docket of the superior court two hundred and seventy-five cases additional, making six hundred and sixty-three cases in all. During the existence of the court it decided an average of three hundred and twenty-five cases annually, being almost up with its docket at the time it went out of existence. The court at its organization adopted a rule of practice which required each judge to sign an endorsement at the close of the opinion that he had examined the record for himself and either concurred in or dissented from the decision, and whenever a petition for a rehearing should be filed its consideration was to be turned over to a different judge from the one who had written the original opinion.

During the first few years of the existence of the court it decided a number of important cases, among them that of Howard versus Cornelison, reported in 5 Kentucky Law Reporter, page 902. To this decision may be directly traced the unfortunate death of Judge Richard Reid, one of the members of the court. The appellee was a member of the bar of Mt. Sterling, Kentucky. The court, in reversing the case, held that the contract upon which the appellee had sued was fraudulent and void. The record had been examined and the case decided during Judge Reid's absence by the other two members of the court. The endorsement at the close of the opinion recited that Judge Reid was not sitting, he at the time being engaged in his canvass as a candidate for judge of the court of appeals at the election which was to take place within the next few months. Judge Reid's home was in Mt. Sterling, and Mr. Cornelison, mistaking the duties of a member of the court, had imagined that his fellow townsman should use his influence with his associate judges to prevent the reversal of the case. He further conceived the idea that Judge Reid had in some way influenced the decision against him. He therefore determined to punish him for his supposed offense; so, under the pretext of consulting him about some papers, he decoyed the Judge to his office and there assaulted him. The particulars of this outrageous occurrence can best be given in the language of the Judge

himself in a public address made to his fellow citizens and neighbors, of Mt. Sterling, a few days later.

"I went to his office by appointment, and upon his invitation. When seated in a chair, turning over with my right hand the leaves of the pamphlet he had handed me to read, he began a furious assault upon me with a cane, striking me, before I could rise up, a powerful blow on the side of the head, which paralyzed and stunned me, and left only my left hand disengaged to parry his blows. So swift and stunning were they that no means of defense was left me. I was stunned and bewildered. He was armed with a cane, a cowhide, and, as I believed from his motions, words and threats, with a pistol. I was unarmed, and all I could do was to struggle with him to the door,—between which and me he stood all the time,—and escape his insane fury. This I did, and reached the street. I was dazed and bewildered by the assault, and was then unable to think or reason. I have no distinct memory of anything that occurred after I reached Main street, and I did not come to myself until I came round opposite to Stone's office; and even then I was so prostrated, nervously, that I was for awhile incapable of rational action."

It was some days after the assault before Judge Reid was capable, owing to his nervous condition, to determine what course he should pursue; but, after consultation with the members of his family and his most intimate friends, he determined, as a Christian gentleman and a representative of the judiciary that he could not himself become a violator of the law by taking the life of his assailant. The incident had so excited the people of Kentucky that the public prints were full of denunciation. Bar meetings were held in the larger cities and towns to denounce it, and at some public meetings Cornelison was burned in effigy. In the midst of it all Judge Reid announced that he would make a public address at the courthouse in Mt. Sterling. It was there that he delivered the address from which we have above quoted, and announced his determination to pursue his canvass as a candidate for judge of the court of appeals. At the close of that address he said: "My case is submitted to the people, in the assured hope that they will comprehend my position, understand my motives, justify my course, and in the end do right; that they will protect their honor and cover me with their confidence." In this course he continued until the 15th day of May, 1884, when he was found in a room over the office of his friend, Judge Brock, in Mt. Sterling, dead, with a pistol by his side! The coroner's jury returned a verdict of suicide, but the family of Judge Reid have always believed that he was murdered. His tragic death but intensified the excitement that had taken possession of the public mind. Mr. Cornelison was indicted at the next term of court for assault and battery. The prosecution of his case was pushed with great vigor by the commonwealth and resulted in a conviction with a sentence of three years' imprisonment. The case was appealed first to the superior court and then to the court of appeals, and is reported in 7 Kentucky Law Reporter, 344, and 84 Kentucky, 583, the sentence being affirmed.

A special election was ordered to fill the vacancy on the superior court bench, at which the Hon. John Quincy Adams Ward was chosen to fill the unexpired term of Judge Reid, and re-elected for a full term in August, 1886, and served until the ex-

piration of the term in September, 1890. He was not a candidate for re-election, but resumed the practice of law at Paris, Kentucky. Since his retirement from the bench his name has been frequently used in connection with the governorship of the state and as congressman from his district. Although his services would be valuable to his fellow-citizens in any public office, he has so far declined to become a candidate for any position.

Judge Richards having declined to stand for re-election in 1886, Hon. Joseph Barbour, of Henry county, was elected in his place, the court for the ensuing four years being composed of Judges Bowden, Ward and Barbour. Judge Barbour was born in Carroll county, Kentucky, April 12, 1844. That year his parents moved to Paducah, this state, where he received his collegiate education. He graduated in the law department of the University of Louisville in 1866, and immediately commenced the practice of the law in New Castle, Kentucky, where he resided at the time of his election. He was re-elected without opposition in 1889, and served with great credit to himself and the commonwealth until the court was discontinued in January, 1895. He then returned to New Castle, where he is again practicing his profession with distinction. He is the author of a two-volume digest of the decisions of Kentucky which bear his name, and now (1897) has in press a revised edition of the same work.

Upon the retirement of Judge Ward in 1890, the Hon. Van B. Young, of Mt. Sterling, Kentucky, son of Colonel Thomas I. Young, was elected to fill the vacancy. Judge Young had been United States marshal before the war, circuit-court clerk in his county, and commonwealth's attorney. He studied law with Judge Monroe, of Frankfort. He was a well-read lawyer, genial in his disposition, with kindly feelings. He died the latter part of February, 1892, leaving a widow but without children, and Judge J. H. Brent, of Paris, Kentucky, was appointed by Governor Brown on March 3, 1892, to fill the unexpired term.

Judge Bowden not being a candidate for a third term, Judge William H. Yost, of Greenville, was elected in 1890, in his stead. Judge Yost was a man of commanding appearance, being physically almost a giant. He was also a man of great intellectual ability, which, coupled with his great industry and genial manners, at once made him a favorite with the bar and the public. Since the expiration of his term he has located in Frankfort, where he is practicing his profession.

The court as thus constituted continued until by the new constitution it passed out of existence. That instrument, as construed by an opinion rendered by Justice Hazelrigg and reported in 16 Kentucky Law Reporter, page 45, discontinued the superior court and increased the number of judges of the court of appeals. The new court of appeals was organized in January, 1895, and the superior court then ceased to exist.

Among some of the important decisions rendered by this court may be mentioned the following, some of which have been cited by other courts with approval: Fechter versus Hays, 4 Kentucky Law Reporter, 217, which classifies contempts of court for appellate purposes; Cromie, trustee, versus Bull, etc., 4 ib., 787, defining the extent to which a chancellor may control a trustee who is vested with absolute discretion under a will;

Pullman Palace Car Company versus Gaylord, 6 ib., 297, discussing a sleeping-car company's liability for jewels lost by a passenger; Hoeing versus Adams Express Company, 8 ib., 154, in regard to contracts limiting the liability of a carrier; Deatherage versus Crumbaugh, 8 ib., 592, as to the rights of checkholders against attaching creditors; Shindler versus Hayden's administrator, 8 ib., 859, as to the rights and liabilities of a pledgee of negotiable paper and other choses in action; Newport & Maysville Railroad Company versus Hay, 8 ib., 115, as to the compensation of officers in the preliminary organization of corporations; Kentucky Lodge versus Limeback, 9 ib., 320, as to the effect to be given in the court to the decisions of tribunals constituted by benefit societies; Talbott versus Stemmon's administrator, 10 ib., 33, as to the consideration of contracts; Kentucky National Bank versus Stone, 11 ib., 948, as to the compensation of trustees who act as their own attorneys; Lexington City National Bank versus Rutherford, 12 ib., 632, as to an agent's right to reimbursement from his principal upon a contract made in the agent's name; Doherty versus Watts, 13 ib., 457, as to the liability of a trustee for his co-trustee's acts; Rich Grain Distilling Company versus Western Union Telegraph Company, 13 ib., 256, as to the measure of damages for failure to deliver a telegram; Cincinnati Cooperage Company versus Bate, 14 ib., 469, as to the effect of changing the name of a corporation; Louisville & Nashville Railroad Company versus Howard, 15 ib., 25, as to the purchase of property by one corporation from another without the unanimous consent of the stockholders; City of Henderson versus Pargny, 15 ib., 745, as to the right of action against a city for injury to property by unlawful assemblages.

ADOLPHUS EDWARD RICHARDS, of Louisville, was born in Loudoun county, Virginia, May 26, 1844. His parents, Jesse and Eleanor Richards, and his grandparents, both paternal and maternal, were natives of the Old Dominion. His father resided in the southeastern part of Loudoun county, near the town of Upperville, devoting his energies to agricultural pursuits, and the future Kentucky judge enjoyed the freedom of farm life and aided in the labors incident to the cultivation of the fields. His early education was acquired in a military academy of Upperville, and subsequently he entered Randolph Macon College, where he pursued his studies until the war-cloud burst upon the country. Laying aside his text-books for the rifle, he marched from the college campus to the battle-field and entered the service as a private of the cavalry troops under command of General Turner Ashby. After the death of that commander he served as aide on the staff of General William E. Jones, who succeeded General Ashby in command of the cavalry forces in the valley of Virginia. The published war records show that he was twice mentioned in the reports of General Jones for gallantry in action and his military career was throughout one of brilliance and valor. In September, 1863, he resigned his position on the staff of his general and enlisted as a private of the Forty-third battalion of Virginia cavalry, commanded by Colonel John S. Mosby. On the 15th of December of the same year he was elected first lieutenant of Company C, and on the 26th of April, 1864, was promoted "by the president to the captaincy of Company B, for gallantry and skill displayed in action." On the 6th of December, 1864, he was made major of the battalion "for valor and

skill on many occasions," and although not then twenty-one years of age he commanded in several important engagements, detailed accounts of which are published in the "Records of the Rebellion."

When the war was over Major Richards, who had just attained his majority, returned to Virginia and for two years thereafter was a student in the state university. Through the first year he pursued the branches forming the collegiate course and in the second year devoted his energies to the mastery of the law course under the direction of Professor John B. Minor, a most able educator. His professional education was completed in the University of Louisville, and in the spring of 1868 he was admitted to the bar in that city, where he has since engaged in practice. From the beginning his course has demonstrated the possession of superior legal talent, and in his extensive practice he has been unusually successful. He was first associated with Lee C. Woolfolk, who was afterward county attorney, and his second partnership was with General Basil W. Duke, later commonwealth attorney. In August, 1882, he was honored with the nomination for judge of the superior court on the Democratic ticket and in August of that year was elected for a four-years term. He did not seek re-election, but in 1886 again resumed practice as a member of the Louisville bar, as a member of the firm of Richards & Harris, his associate being Judge W. O. Harris. Subsequently Judge Richards entered into partnership with Hon. Royal Weissinger and Hon. John B. Baskin, under the firm name of Richards, Weissinger & Baskin, and on the death of Mr. Weissinger the firm name and style was changed to Richards, Baskin & Ronald, by the admission of A. G. Ronald to a partnership.

Judge Richards has argued many cases and lost but few. No one better knows the necessity for thorough preparation and no one more industriously prepares his cases than he. His course in the courtroom is characterised by a calmness and dignity that indicate reserve strength. He is always courteous and deferential toward the court, kind and forbearing toward his adversaries. He examines a witness carefully and thoroughly, but treats him with a respect which makes the witness grateful for his kindness and forbearance. His handling of his case is always full, comprehensive and accurate; his analysis of the facts is clear and exhaustive; he sees without effort the relation and dependence of the facts, and so groups them as to enable him to throw their combined force upon the point they tend to prove. His opinions while on the bench showed great research, industry and care and challenged the approval of, and commended themselves to, the bench and bar.

On the 11th of May, 1870, Judge Richards married Miss Mattie Tyler, daughter of John W. Tyler, formerly a distinguished lawyer at the Louisville bar. They have two children, John Tyler and Jesse Richards Ronald.

The Judge is a prominent member of the Protestant Episcopal church and is now chancellor of the diocese of Kentucky. He has always been a firm supporter of Democratic principles, was elector at large for the state of Kentucky in 1880, and during the same year was made chairman of the Democratic state central committee, which position he resigned in order to become a candidate for the superior court bench. With liberal intellectual endowments and great moral courage, broad culture in literature, he is fully equipped for the science of

law, which is almost limitless in its possibilities. He has ever the courage of his convictions and his justice and fairness to others has won him the highest respect of all.

JAMES HENRY BOWDEN, who for forty years has been a representative of the bar of Kentucky and is now engaged in active practice in Russellville, was born in Morganfield, Union county, this state, March 15, 1833. His father, John Bowden, a cabinet-maker, was born in Bristol, England, crossed the Atlantic to America in 1818, and in 1820 took up his residence in Kentucky. He married Lova A. Fauquier, a native of North Carolina. Her father, George Fauquier, was a son of Thomas Fauquier, who removed from Virginia to North Carolina in the eighteenth century. The Fauquiers were prominent people of that section of the country, taking a leading part in the events which went to form the history of those states, and impressing their name upon one of the counties of Virginia.

James H. Bowden pursued his education in Morganfield until thirteen years of age, and then entered the office of the Louisville Courier, where he was employed as a compositor until 1851. With a keen appreciation of the value of knowledge he studied Latin and mathematics while in the printing office, and since that time has mastered the French and German languages, spending some time in Europe in study after the close of the civil war. He early determined to pursue the law as a profession, and prepared for that calling as a student in the office of George T. Edwards, an able attorney of Russellville. In 1855 he was admitted to the bar and began practice in Tompkinsville, Kentucky, where he remained for eighteen months; then, in May, 1857, he removed to Russellville.

His identification with its bar has therefore been long and honorable. His practice has been general, and embraces connection with much of the important litigation of the district through the past forty years. Before judge and jury he is a powerful advocate, and on the bench he proved a just judge, his decisions being models of soundness. He served two terms as judge of the superior court, from 1882 to 1890, and was its first presiding judge, and then, declining a re-election, resumed private practice in Russellville. He was commissioner of schools in 1870, and a member of the state legislature in 1875-6.

In 1857 Judge Bowden was united in marriage to Miss Nannie Morton, daughter of Marmaduke B. Morton, cashier of the Southern Bank of Kentucky, at Russellville. Mr. Morton was a native of Louisa county, Virginia, and was related to the Pryors and Beckwiths, two of the most prominent families in the south. The Judge and Mrs. Bowden have six children, namely: Mrs. Henry M. Caldwell, of Louisville; Marmaduke B., a lawyer of Louisville; Frances M., Elizabeth F., Mary L. and Henry W.

Judge Bowden attends the Methodist Episcopal church, is a Mason, and his political support is given the Democracy, and he is an advocate of "sound money" as interpreted by Whitney, Palmer, Carlisle, Cleveland and other eminent leaders of the party. He formerly took an active part in political affairs, but now devotes his entire attention to the profession in which his abilities have gained him the esteem of his professional brethren and the confidence of the community in which he resides.

Marmaduke B. Bowden was born in

Russellville, July 7, 1866, and was educated in the public schools and in Bethel College. He read law with his father and was admitted to the bar July 7, 1885. He began practice in his native city and three years later was elected a member of the town council. In March, 1889, when not twenty-three years of age, he was elected mayor and acceptably filled that position for several months, when he resigned, preparatory to removing to Louisville, where he has since been engaged in the practice of law. He is widely known as a lawyer and is regarded as a speaker of considerable force. His gift as an orator was largely used in 1894 in securing the National G. A. R. encampment for Louisville in 1895, his persuasive eloquence winning the support of many departments for the Kentucky city as the place of their convocation. He has been twice president of the Louisville Commercial Club and was elected colonel of the First Kentucky regiment, Uniform Rank, Knights of Pythias, December 30, 1895.

Mr. Bowden was married February 14, 1888, to Lee Sandifer, daughter of Nicholas Sandifer, who was judge of the Garrard county court for many years. She is a native of Lancaster, Kentucky, and was educated at Millersburg Female College.

JOHN QUINCY ADAMS WARD, of Paris, ex-judge of the superior court of Kentucky, was born in Oxford, Scott county, this state, August 29, 1838. Of Scotch-Irish ancestry, the predominant traits of the two nations have characterized the representatives of the family, the versatility and alertness of the latter being combined with the unswerving loyalty to duty and unwavering fidelity of the former. The year 1750 marked the advent of the family into America, and Virginia was chosen as their home. The grandfather, Joseph Ward, was a member of the legislature of that state and also served as judge of the court of quarter sessions for several terms. He married Margaret Coalter, of the Virginian family of that name. Cary Aldry Ward, the father of Judge Ward, of Paris, was born in Harrison county, Kentucky, where his parents located on their removal from Fauquier county, Virginia, about 1785. He learned the printer's trade, and at one time edited a paper at Oxford, Ohio. After 1832 he devoted his energies to farming and merchandising, and became one of the leading and influential citizens of his section of the state. His wife, Mrs. Eliza Jane Ward, was a daughter of John and Ann (Daugherty) Risk, both representatives of pioneer families of Woodford county. Among her paternal ancestry were those who spelled the name Risque, Risk and Rusk, according to their claim of descent from the French, English or Scotch.

Judge Ward obtained his education in the common schools of Scott county, and graduated in Georgetown College with the class of 1858; and among his classmates were several who have obtained eminence in professional circles, including John L. Peak, of Kansas City, Missouri, who served as minister to Switzerland in 1896; Rev. Dr. George Varden, a prominent Baptist divine, of Paris, Kentucky; Judge James E. Cantrill, who served on the circuit court bench; and Judge Richard Reid, of the superior court. Judge Ward pursued his law studies in Georgetown, under the preceptorage of Marcellus Polk, and in August, 1850, was admitted to the bar.

In September of the same year he entered upon his professional career as a

member of the legal fraternity of Cynthiana, Kentucky, and in 1862 was elected county attorney, which office he filled acceptably for four years. He was also common-school commissioner, and in 1873 was elected to the legislature. Aside from his official duties his time was given to his practice, which steadily grew in volume and importance, and experience tested his abilities and proved his merit. The legal business entrusted to his care was of a high character; but with consummate skill he handled the intricate problems of the law. Success at the bar largely demands a consecration of one's time and talents; each case must be thoroughly studied and carefully prepared. Judge Ward manifested the most painstaking effort in the trial of the causes entrusted to him, and rested the case upon the clear and concise presentation of facts and the law applicable to them. His superior knowledge of the elemental principles of jurisprudence, as well as his accurate comprehension of the finer shades of meaning which are often found in the law, eminently qualified him for judgeship, and in 1884 he was elected to the bench of the superior court to fill the unexpired term of Judge Reid. In 1886 he was re-elected, without opposition, for a full term of four years, and in 1890 declined a re-election.

On his retirement from the bench he removed to Paris, Kentucky, and his eminent abilities soon won him a distinctive *clientele*. The rapidity with which railroads have multiplied while the owners have formed corporations and powerful combines, often neglectful of individual rights, has led to much legislation on the subject, and railroad law has become a most important department of jurisprudence. Judge Ward has given particular attention to railroad law and has represented various private interests in the opposition to these corporations. He was the attorney for Mr. Thomas in the litigation of Thomas versus The Kentucky Central railroad, which was the first suit in the state to raise the question of negligence on the part of a railroad company when it failed to equip its passenger cars with Westinghouse air-brakes. He won his suit and thus brought about a better service in the passenger department. Judge Ward was also counsel for the plaintiff in the case of Eckler versus The Kentucky Central Railroad Company, when the plaint was raised against the company permitting underbrush to grow close beside the track. This suit resulted in the clearing of a space on both sides of the track. Other leading cases of importance with which Judge Ward has been connected are Greenbaum Brothers versus Megibben, involving the negotiability of warehouse receipts; Patterson versus The Northern Bank of Kentucky, involving the distribution of assigned assets where two or more assignors have cross liabilities as principal and surety; Lail versus Eckler, involving a conditional promise to pay after discharge in bankruptcy.

On the 30th of November, 1865, Mr. Ward married Miss Mary Eliza Miller, daughter of James and Ann Frances (Boyd) Miller, of Harrison county, Kentucky, representatives of pioneer families of distinction. On her paternal side her ancestry were from Pennsylvania, and, on the maternal side, from Virginia. Strother Boyd, uncle of Mrs. Ward, was for many years judge of the circuit court of the Covington district. The ease and grace of her cultured nature adds to the charm of Mrs. Ward's home, and the flowers which are there seen in profusion are suggestive of her love of the beautiful.

Judge and Mrs. Ward have three children, namely: J. Miller, proprietor of the Sunland stock farm; Anna Cary; and J. Q., a law student in his father's office.

The Judge is a member of the Presbyterian church, the church of his fathers for many generations, and since 1871 he has been an elder in that body. He was elected moderator of the synod of Kentucky in 1893, by acclamation, and was the first layman ever chosen to that office in the state. He is also a member of the blue lodge of the Masonic fraternity, and is deeply interested in the charitable work of that order. He also belongs to the Ancient Order of the United Workmen. For fifteen years he has been one of the curators of the Central University, at Richmond, Kentucky, and has long been a most earnest and active friend of the cause of education and the public-school system. Progressive and enterprising, he gives a commendable support to all measures calculated to advance the general good; and by his intelligent advocacy of such enterprises largely promotes their progress.

Since 1867 he has made it a rule to invest his earnings in farm lands, and his recreation is in giving attention to the cultivation of his blue-grass farms, and the breeding of all kinds of fine stock. He lives on his country place, about two miles from his office, and claims that in passing to and fro ideas have come to him by which he has gained his most difficult cases. He is an ardent lover of nature and pastoral life, and his travels have been to see nature's wonders,—the Mammoth cave of his native state, Niagara Falls, Pike's Peak, Salt Lake, the mountains and canyons of Colorado and California, Mariposa Grove and the beautiful valley of Yosemite, the fruit and flower fields of Florida and California, are some of the "pictures that hang on memory's walls," which he delights to contemplate and talk about. His wife and his children are as well "traveled" as he, and are his companions when at home or when journeying to see, learn and enjoy.

Reared in the faith of the Whig party, on attaining his majority he allied his interests with the Democracy. He was a strong Union man during the war, being opposed to secession under any and all circumstances. Broadly viewing the public questions and issues, he has thoroughly informed himself on all matters concerning the political situation of the country, and is frequently seen advancing his views from the campaign platform, where his eloquence, logic and forceful arguments always carry conviction. He is broadminded enough to look beyond the interest of the moment to the splendid possibilities of the future. He has been called by his fellow citizens to discharge grave public duties, all of which have been performed by him with rare judgment. Upright in his dealings with his fellow men and in all the walks of life, he commands uniform respect and stands foremost among the jurists of the state.

UNITED STATES COURTS IN KENTUCKY.

BY THOMAS SPEED, CLERK AT LOUISVILLE.

DISTRICT COURT.

THE first congress of the United States after the adoption of the constitution, was held in the city of New York, beginning March 4, 1789, and continuing to September 29, 1789.

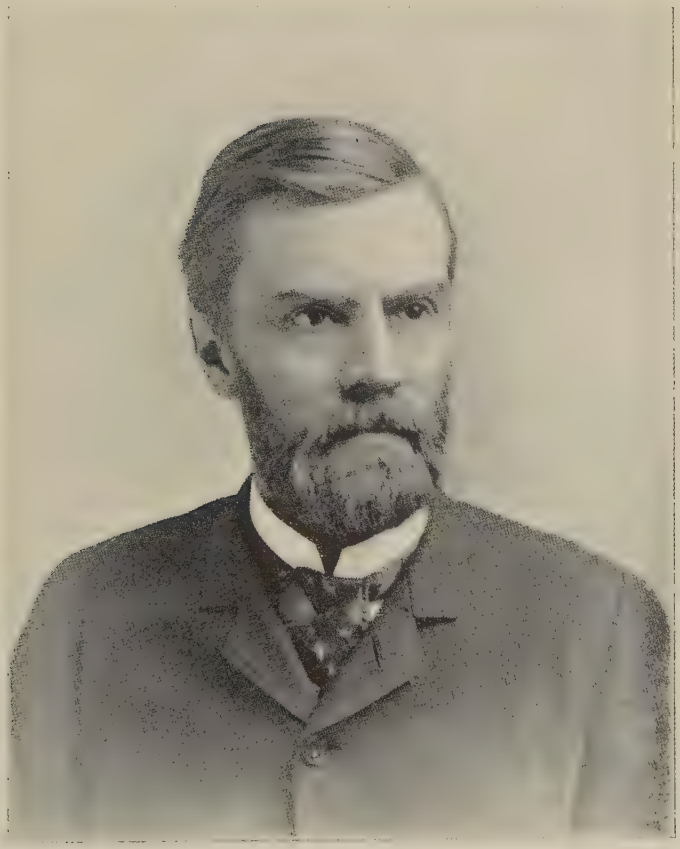
On the 24th of September, 1789, an act was passed known as the judiciary act, to establish the courts of the United States. In this act it was provided that there shall be a court to consist of the state of Virginia, except that part called Kentucky, to be called the Virginia district, and a court was established for the remaining part of Virginia, to be called the Kentucky district. Thirteen districts were made, one of them being the Kentucky district. Kentucky was not a territory but a part of Virginia. It was at that time seeking to be established as a state, and its population and general progress was such that congress provided it with a separate United States court, called the district court of Kentucky, while as yet it was a part of Virginia. The court was to be held at Harrodsburg.

Two days after the passage of the act—to-wit, September 26, 1789 — President Washington appointed Hon. Harry Innes, judge of the district court of Kentucky. Judge Innes was born in Virginia, 1752, and removed to Kentucky in the pioneer days. In 1782 he was appointed judge of the district of Kentucky by the state of Virginia. His prominence as a lawyer and judge made it fitting that he should have been selected by Washington for the office of United States district judge. He held the position until he was removed by death, 1816.

He was succeeded by Hon. Robert Trimble, who was appointed by President Madison, January 31, 1817. Judge Trimble was born in Virginia, and removed to Kentucky and began to practice law at Paris in 1803. In 1808 he was judge of the Kentucky court of appeals. In 1813 he was appointed United States district attorney for Kentucky, and in 1817 became judge of the court, as stated. In 1826 Judge Trimble was appointed on the supreme bench of the United States by President John Quincy Adams.

October 20, 1826, Hon. John Boyle was appointed to succeed Judge Trimble as United States district judge for Kentucky. He was confirmed February 12, 1827. Judge Boyle was born in Virginia in 1774, and removed to Kentucky in 1789. In 1809 he was appointed governor of Illinois territory by President Madison, but declined the appointment, and went on the bench of the Kentucky court of appeals. From the time of his appointment as district judge, in 1826, he held the office until his death, in 1834.

On the 8th of March, 1834, Hon. Thomas



Thos. Speed.

B. Monroe was appointed judge. He was born in Virginia, 1791, a near relative of President Monroe, removed from Virginia to Kentucky in 1821, and became reporter for the court of appeals. From 1833 to 1834 he was district attorney of the United States for Kentucky. He held the office of judge from 1834 to 1861, when he joined the southern movement and went south.

In his place Hon. Bland Ballard was appointed judge October 16, 1861, by President Lincoln, and was confirmed January 22, 1862. Judge Ballard was born in 1819. He was a lawyer of unusual ability, and became distinguished as judge of the United States court during the civil war and through the years immediately succeeding, when a very great increase of business came to the court by reason of the questions growing out of the war, and especially the internal revenue law and bankruptcy law. Judge Ballard held the office until his death, June 29, 1879.

September 6, 1879, Hon. William H. Hays was appointed judge by President Hayes, and was confirmed December 10, 1879. Judge Hays held office only a few months. He died March, 1880. He lived at Springfield, Kentucky, was highly esteemed as a lawyer and citizen, and had served during the civil war as a colonel of the Tenth Kentucky Infantry.

April 16, 1880, Hon. John W. Barr was appointed judge by President Hayes, and is the present incumbent of the office, 1897.

PLACES AND TIMES FOR HOLDING COURT.

At the time Judge Innes was appointed, 1789, the court was organized and held at Harrodsburg, Kentucky, December 15, 1789. It continued there until September 16, 1794, when it was removed to Frankfort by act of congress of date June 9, 1794 (1st Statutes at Large, page 397).

On the 3d day of March, 1797 (1st Statutes at Large, page 518), congress enacted that the court should be held on the second Monday in March, third Monday in June, and third Monday in November of each year.

June 15, 1860 (12th Statutes at Large, 36), it was enacted that the circuit and district courts should be held at Louisville, on the fourth Monday in April and September, and that a clerk's office should be kept there. Sessions of the court were also to be held at Covington on the second Mondays in January and September; also court to be held at Paducah at such time as the district judge should appoint. A clerk's office was to be kept at Covington and Paducah.

By the act of July 1, 1879 (21st Statutes at Large, page 45), the courts in Kentucky are to be held as follows: At Covington, second Monday in May and first Monday in December; at Louisville, third Monday in February and first Monday in October; at Frankfort, first Monday in January and second Monday in June; at Paducah, first Monday in April and third Monday in November.

On the 8th of October, 1888 (25th Statutes at Large, 389), the court at Owensboro was established. It was then enacted that the counties of Daviess, Henderson, Union, Christian, Todd, Hopkins, Webster, McLean, Muhlenburg, Logan, Butler, Grayson, Ohio, Hancock, and Breckinridge shall constitute the Owensboro district. Courts to be held there on the fourth Monday in January and first Monday in June of each year.

CIRCUIT COURTS.

By the judiciary act of 1789 the district court of Kentucky was given circuit-court jurisdiction.

February 13, 1801, an act was passed for the more convenient organization of the court of the United States. By this act the states were divided into circuits, and in the division the sixth circuit consisted of the districts of East Tennessee, West Tennessee, Ohio and Kentucky. For the sixth circuit a judge was to be appointed, called a circuit judge. By this act the place of holding the United States court in Kentucky was Bardstown, on the 15th days of May and November. Pursuant to this act, William McClung was appointed circuit judge February 24, 1801; but on the 8th of March, 1802, the act was repealed, and Judge McClung never sat as judge.

By act of congress February 24, 1807 (2d Statutes at Large, 420), circuit-court jurisdiction was taken from the district court, and the states of Kentucky, Tennessee and Ohio were made to constitute the seventh circuit.

July 15, 1862 (12th Statutes at Large, 576), congress enacted that Kentucky, Tennessee, Arkansas and Texas should constitute the sixth circuit.

By act of July 23, 1866 (Statutes at Large, 14, p. 209), the states of Ohio, Michigan, Kentucky and Tennessee constitute the sixth circuit.

The justices assigned to the circuit including Kentucky have been as follows: Thomas Todd, 1808; Robert Trimble, 1826; John McLean, 1829; John Catron, 1837; Noah H. Swayne, 1862; Stanley Mathews, 1880; David J. Brewer, 1890; Henry B. Brown, 1893; Howell E. Jackson, 1894; John M. Harlan, 1896.

CIRCUIT JUDGES.

April 10, 1869, congress enacted that for each circuit there should be appointed a circuit judge, with the same power and jurisdiction as the justice of the supreme court allotted to the circuit. Under this act the first judge appointed was H. H. Emmons, of Michigan, by President Grant. To succeed Judge Emmons, President Hayes appointed John Baxter, of Tennessee, December 13, 1877. Succeeding Judge Baxter was Howell E. Jackson, of Tennessee, appointed April 12, 1886, by President Cleveland. Succeeding Judge Jackson (who was appointed to the supreme bench by President Harrison), Judge Horace H. Lurton, of Tennessee, was appointed circuit judge by President Cleveland.

CIRCUIT COURT OF APPEALS.

On the 3d day of March, 1891, congress passed a law creating the United States circuit court of appeals. The act provided for the appointment of an additional circuit judge; and the chief justice and associate justice of the circuit, and the circuit and district judges within the circuit, are competent to sit as judges of this court.

On the 17th day of March William H. Taft, of Ohio, was commissioned the additional circuit judge for the sixth circuit, and is now the presiding judge of the circuit court of appeals.

DISTRICT ATTORNEYS.

George Nicholas.	James Brown.
William Murry.	William McClung.
John Breckenridge.	Jos. Hamilton Daviess.
William Clark.	Robert Wickliffe.
George M. Bibb.	John Speed Smith.
John J. Crittenden.	Lewis Sanders, Jr.
Thomas B. Monroe.	P. S. Loughborough.
Lewis Sanders.	C. G. Rogers.
William H. Caperton.	James Harlan.
Edward Blulock.	Joshua Tevis.

Thomas E. Bramlette.	Gabriel C. Wharton.
B. H. Bristow.	John E. Hamilton.
H. F. Finley.	John C. Wickliffe.
Geo. M. Thomas.	William M. Smith.
George W. Jolly.	

MARSHALS.

Samuel McDowell, Jr.	James Blackburn.
Robert Crockett.	Joseph Crocketts.
John T. Mason.	Chapman Coleman.
John M. McCalla.	Wm. B. Blackburn, Jr.
John Lane.	James S. Speed.
Thomas J. Young.	Thomas R. Dehoney.
Alexander H. Sneed.	Henry C. McDowell.
Wm. A. Meriwether.	Eli H. Murray.
Thomas E. Burns.	Weden O'Neal.
Robt. H. Crittenden.	A. J. Auxier.
Andrew J. Gross.	Drury J. Burchett.

CLERKS.

The clerks of the United States courts in Kentucky have been as follows:

1. Thomas Todd, appointed December 15, 1789; was clerk at Harrodsburg; resigned December 18, 1792, and afterward was appointed justice of the supreme court of the United States.

2. James G. Hunter, appointed December 18, 1792; was clerk while the court was at Harrodsburg and also at Frankfort; resigned March 15, 1796.

3. Thomas Tunstall, appointed March 15, 1796; continued to be clerk until December 9, 1807.

4. John H. Hanna, appointed December 9, 1807; held the office until May 26, 1851, a period of forty-four years, when he resigned.

5. John Adair Monroe, appointed May 26, 1851; held the office until November 6, 1861.

6. A. J. Ballard, appointed January 11, 1862, in place of J. A. Monroe.

7. W. A. Meriwether was appointed clerk in place of A. J. Ballard, June 6, 1870.

8. On the 20th of December, 1875, Sam B. Crail was appointed clerk of the circuit court and Austin Ballard clerk of the district court at Louisville.

On the 30th of January, 1883, Austin Ballard resigned, and Sam B. Crail was then appointed district clerk in his place. Sam B. Crail was clerk of both courts until July 9, 1892.

Thomas Speed was appointed clerk of the circuit and district courts at Louisville, July 9, 1892, and is the present incumbent of the office.

In this office the present very efficient deputy, Henry F. Cassin, began under Clerk Meriwether, in 1872, and has been ever since continuously in the office.

Clerks at Frankfort.—James Harlan, Jr., was appointed clerk at Frankfort, May 30, 1862; held office until May, 1865; after that, until Ford was appointed, the office at Frankfort was administered by the clerk at Louisville.

Thomas B. Ford was appointed clerk at Frankfort in the year 1878, and resigned January 19, 1891. He was succeeded by W. J. Chinn, Jr., appointed January 19, 1891.

Walter G. Chapman was appointed July 14, 1896.

Clerks at Covington.—The first clerk at Covington was Napoleon B. Stephens. He was succeeded by James M. Blackburn, appointed April 22, 1869.

On December 6, 1872, Henry Bostwick was appointed, and he held the office until

July 10, 1882, when Joseph C. Finnell was appointed, who is clerk at this time.

Clerks at Paducah.—J. R. Puryear was appointed clerk at Paducah January 12, 1869, and has held the office continuously until this time.

Clerks at Owensboro.—The clerk's office at Owensboro is filled by a deputy appointed by the clerk at Louisville. The deputy at Owensboro is Edward M. Bell.

THREE PROMINENT CASES.

In the month of November, 1806, Aaron Burr appeared in Kentucky, being at that time engaged in the conspiracy for which he was afterward arrested and tried for treason. The district attorney at that time, Joseph Hamilton Daviess, had information of the treasonable enterprise of Burr and made an effort to have him arrested and indicted in Kentucky. Burr voluntarily appeared in court at Frankfort, having Henry Clay for his counsel, and the grand jury of the United States court being in session, he boldly demanded an investigation. On account of the district attorney being unable to produce his witnesses, the grand jury failed to indict, and Burr was exonerated. He received an ovation at Frankfort from the citizens and went on his way down the Ohio.

A few days afterward word was received from President Jefferson for his arrest, but he had passed beyond the jurisdiction of the court. The episode was exciting at the moment, and except for the failure to secure the proper witnesses the trial of Aaron Burr would have been in the United States court for the district of Kentucky.

One of the most celebrated cases in the United States circuit court, district of Kentucky, was that of Morse et al. versus O'Reilly et al., decided by Judge Monroe in 1849, and affirmed by the supreme court of the United States in 1853. It was an application for an injunction on the part of complainant Morse, the inventor of the electric telegraph.

The case is reported in 15 Howard, page 62, and covers seventy-five pages. The reporter says: "It is difficult to make a fair report of this case without writing a book." He gives a statement of the case made up from the opinion of Judge Monroe, which shows in substance that Morse was the inventor of the "electro-magnet telegraph," and that the other complainants, F. O. J. Smith and Alfred Vail, were interested in the patent; that they had constructed lines in Kentucky from Louisville, by way of Frankfort and Lexington, to Maysville; and also from Louisville, by way of Bardstown and Glasgow, to Nashville, and on to New Orleans and Memphis; that defendants had infringed their patent right by constructing similar lines.

The case contains a history of the invention, detailing its development by Morse on board a ship while returning from Europe in October, 1832, also its further development in the United States and its patenting. The patent was sustained by the courts and complainant's application for injunction granted.

A case of great interest was tried at the October term in 1868 in Louisville. John Blylew and George Kennard were indicted for homicide, and were found guilty of murder. They being white persons and the person killed being colored, and the only witnesses being colored the case was tried in the United States court under the civil-rights bill. The supreme court reversed the case, holding that the civil-rights

law did not give jurisdiction to the United States court; that it applied to the person affected, and not to witnesses, nor any one not in existence. The case is reported in 13 Wallace, page 581.

THOMAS TODD, chief justice of Kentucky and associate justice of the supreme court of the United States, was born in King and Queen county, Virginia, January 23, 1765, and died February 7, 1826. His parents were Richard and Elizabeth (Richards) Todd, and his ancestors were early emigrants from England.

Judge Todd was liberally educated and obtained a good knowledge of surveying. In 1786 he came to Kentucky and resided for some time in the family of his old friend, Judge Harry Innes, where he pursued the study of law and also acted as tutor in the family. His first effort as a lawyer was made in the Madison court-house, and from that time he rapidly rose to prominence at the Kentucky bar. He was appointed clerk of the United States courts in Kentucky December 15, 1789, and resigned December 18, 1792; then he was appointed clerk of the court of appeals of Kentucky, serving until December 19, 1801, when Governor James Garrard appointed him the fourth judge of the court of appeals; Governor Christopher Greenup appointed him chief justice of Kentucky in 1806; in 1807 he was appointed associate justice of the supreme court of the United States for the new circuit established by congress and composed of Kentucky, Tennessee and Ohio. In that high position, to which he was appointed without his solicitation or knowledge and under the most flattering circumstances, he continued until his death.

Judge Todd was married, in 1788, to a niece of William Stewart, one of the pioneers of Kentucky who fell in the disastrous battle of Blue Licks. Only a son and a daughter survived Judge Todd. In 1811 Mrs. Todd died, and the following year the Judge married the widow of Major George Washington, nephew of General George Washington and sister-in-law of President Madison. A daughter and two sons of this union survived the father. Judge Todd possessed to an eminent degree the esteem of his friends and the confidence of the people; and his deportment and ability on the bench, as well as his great benevolence and many social virtues, gained him universal admiration.

ROBERT TRIMBLE, judge of the court of appeals and of the United States district court of Kentucky and United States supreme court, was born in Berkeley county, Virginia, and when three years old was brought by his parents to Kentucky. He received but the imperfect rudiments of an education. He, however, improved himself by teaching for a few years and reading carefully the scanty libraries afforded by his neighborhood. He began the study of law under the direction of George Nicholas, later continued his reading under James Brown, and in 1803 was licensed by the court of appeals to practice his profession.

He commenced his career in Paris, and the same year was elected a member of the legislature from Bourbon county; but, politics not being congenial to his disposition or taste, he ever afterward refused to be a candidate for office. He devoted himself exclusively to his profession, and rapidly rose to the first class of jurists. In 1808 he was commissioned second judge of the court of

appeals. He retained that office only a short time, but long enough to greatly distinguish himself in it by his rectitude, learning and ability. He was appointed chief justice of Kentucky in 1810, but in consequence of his limited circumstances declined the first judicial station of the commonwealth. After retiring from the bench he resumed with great assiduity the practice of his profession, and in 1813 was appointed United States district attorney for the state, and in 1817 he was appointed by President Madison judge of the United States district court for Kentucky. He filled this office until 1826, when he was promoted by John Quincy Adams to the supreme court of the United States. He died August 25, 1828, in his fifty-second year and in the full vigor of his powers.

He was not only one of the first lawyers of the state but also one of the most able men of the nation. That eminent jurist, Judge Story, said of him: "Men might differ with respect to the rank of other lawyers, but all admitted that none was superior to Robert Trimble in talent, in learning, in acuteness, in sagacity."

His private life was marked by the same admirable traits that distinguished his public career, his simple habits and noble nature shedding a luster on his entire life.

His brother, John Trimble, was a lawyer of ability and judge of the "new" court of appeals of Kentucky.

JOHN McKINLEY, associate justice of the United States supreme court, was born in Culpeper county, Virginia, in 1780, and died in Louisville, Kentucky, July 19, 1852. He came of the same ancestry as President McKinley. His father, Dr. Andrew McKinley, removed from Virginia to Lincoln county, Kentucky, at an early date, and died in 1786. After acquiring an ordinary education Judge McKinley entered the office of General Bodley, as clerk, and while there studied law. At the age of twenty he was admitted to the bar at Frankfort, and commenced practice, continuing until 1818 in Kentucky, when he removed to Huntsville, Alabama. He there won fame, and was honored by his fellow citizens by an election to the United States senate in 1826 to fill a vacancy, and being re-elected served for a full term. While a member of the senate he reported on a resolution that was introduced into both houses providing that a penalty should be incurred by members who absented themselves from either house. In his report Judge McKinley plainly indicated that the senate could maintain the duty and dignity of that branch of congress and would do so regardless of any resolutions that the house might pass, and this policy has since been that of the senate. In 1833 he was elected to the lower house of congress, one of the few cases on record where a senator has afterward been chosen representative. On his retirement from the council chambers of the nation, he was appointed by President Van Buren in 1837 associate judge of the supreme court of the United States, in which capacity he served until his death. After his appointment to the supreme bench he resided in Louisville. He was a man of high and noble aims, possessed of remarkable tact and energy. In appearance he was tall and commanding, with a countenance that exhibited great strength of character, and wore an habitually benevolent expression; was a contemporary of Henry Clay, and took an active part in the issues of his day. His grand-daugh-

ter is Mrs. St. John Boyle, wife of St. John Boyle, of the Louisville bar.

SAMUEL F. MILLER, associate justice of the supreme court of the United States, was born in Richmond, Kentucky, April 5, 1816, of German descent. His father emigrated from Pennsylvania to Kentucky in 1812; his mother was a Kentuckian by birth and a representative of an old family of North Carolina. Mr. Miller graduated in the medical department of Transylvania University in 1838 with the degree of M. D. After practicing as a physician for several years in Barboursville, Knox county, Kentucky, he abandoned it and took up the study of law. He was admitted to the bar in 1844.

Mr. Miller was a Whig and supported Henry Clay. At the time of the agitation of the slavery question in 1849, he took an active part in the movement to elect delegates to the constitutional convention of Kentucky of that year who would favor some plan of emancipation. The defeat of his views and the adoption of the new constitution more firmly fixing slavery upon the state, induced him, in 1850, to remove with his family to Keokuk, Iowa, where he acquired a large and varied practice, immediately taking a foremost place in his profession. On the organization of the Republican party in 1854, he gave his time, labor, influence, and means unsparingly to promote its success; after Abraham Lincoln became president, a new judicial district was organized in the northwest, and the bar throughout that section, and the senators and representatives then in congress, united almost unanimously in recommending Mr. Miller for appointment as associate justice of the supreme court. He was accordingly nominated, in July, 1862, and at once confirmed. His public career really commenced at the most critical time of the nation's history, his influence in shaping the judgments of the court and in determining the principles on which these judgments were based, was felt and acknowledged. He delivered many of the most important opinions of the court, most of which were concurred in by his associates, and met the approval of the country. He was one of the five justices of the supreme court who were chosen as members of the celebrated presidential commission in 1877 in the Tilden-Hayes contest. He was a man of the utmost purity of private character, and had to a very high degree the respect and confidence of the bar of the United States. With official integrity above suspicion, and with talents which singularly enhanced his judicial eminence, he well deserved the esteem and honor in which he was held.

JOHN MARSHALL HARLAN, associate justice of the supreme court of the United States, was born in Boyle county, Kentucky, June 1, 1833. His father was James Harlan, one of the most eminent lawyers, one of the best men and one of the best citizens of his day,—which was one of the most illustrious periods of Kentucky history,—a member of the twenty-fourth and twenty-fifth congresses and afterward secretary of state of Kentucky and attorney general, and for a time during the war district attorney of the United States for Kentucky. His mother, Eliza Shannon (Davenport) Harlan, was born in Danville, Kentucky, October 5, 1805, and was a daughter of Richard and Elizabeth (Tadlock) Davenport.

The son, Justice Harlan, graduated at Center College, Kentucky, in 1850, and studied and practiced law with his father. He was admitted to the bar in 1853, and continued in practice with his father until 1858, when he was elected judge of the Franklin county court, and in 1859 he was tendered the nomination of the Whig party for congress in the famous Ashland district and made a gallant and brilliant race,—one of the most famous political contests ever known in Kentucky.

In 1861 he moved to Louisville, and when the war broke out promptly cast his lot with the Union, at a time when the situation and conditions in Kentucky made the act one of significant loyalty and courage. In the fall of 1861 he became colonel of the Tenth Kentucky Volunteer Infantry, a regiment in the original division of General George H. Thomas. After active service in the field, he was compelled by the death of his father to resign from the army in order to give needed attention to the affairs of his father's estate. It required a high sense of duty to do this, for he had just been nominated to be brigadier general, and his nomination was pending before the senate and promotion sure. In 1863 he was nominated by acclamation by the Union party of Kentucky for the office of attorney general, and elected; but in 1867 he again returned to the practice of law at Louisville.

In 1871, and again in 1875, he received the Republican nomination for governor of Kentucky, by acclamation, the latter time accepting with very great reluctance and only after the most urgent insistence by the party leaders; and he made in each campaign a canvass noted for its tremendous energy, great earnestness, courage and ability, establishing his standing as the most distinguished and prominent of the Kentucky Republicans and Union men. His campaign of 1871 was the beginning of the Republican organization in Kentucky with any real purpose of trying to carry the state. President Hayes offered him a first-class foreign mission, which he declined, and in 1877 he served as a member of the Louisiana commission, and on November 29th of that year was commissioned as associate justice of the supreme court of the United States, taking his seat on the bench of that great court December 10, 1877, when he was only forty-four years old, in the prime of physical and mental vigor. He was at that age one of the leaders of the bar in Kentucky, which was justly distinguished for the power and ability of its lawyers.

From the beginning of his labors in the supreme court, he has given all his great energy and power to the most devoted and untiring work to uphold the laws and maintain the dignity and influence of that great court. During all the time since he was appointed,—nearly a score of years,—he has labored unceasingly and with the greatest study, research, learning and power, and year by year his reputation for industry, care, zeal in good work, learning, statesmanship and patriotism has grown. Every opinion delivered by him has added to his reputation. From almost the first, although he had been greatly distinguished as an advocate, those cases were assigned to him in which the opinions required the greatest conservatism and prudence in their preparation and expression. No member of the court has done more work in his time, or has done it with greater judgment, common sense and care. There is no opinion by him in the books that shows negligence or even lack of the greatest care. He is dis-

tinguished for his clear and concise grasp of a case, the orderly and wise arrangement of the opinion and the terseness and force of expression and extent of research and learning. He has been distinguished for his judicial independence. Some of his noblest opinions, notably that in the civil-rights case, have been opinions dissenting from the decision of the court; and his resolute maintenance of the dignity and power of the national government is a noted feature of his judicial career.

During his long service he has not only performed a great and honorable share of the enormous labors that have fallen to the lot of the supreme court, but he has performed great labor in some of the most important cases in the circuit courts to which he was assigned.

Justice Harlan's public career has been marked by experiences and opinions which have established his reputation as a statesman of broad, liberal and comprehensive views, and exalted and unfaltering patriotism, quite as clearly as it has that of a great jurist. Not only his opinions, but also his eminent service on the Behring sea tribunal of arbitration, and earlier in life his magnificent discussion of public questions in correspondence with the leading men of the country, and his expressions in reunions with his army comrades and friends, all mark one of the noblest and most loyal hearts, one of the grandest and wisest minds, one of the strongest and most earnest characters known to our history. In Kentucky his name is a household word, and in a broader field to which his public duties have transferred him he has won and holds the unfailing confidence, respect and admiration of the legal world and of all connected with the more important and responsible of our national affairs. And it will not surprise any close observer or truly great man to be told that this really great man is, in his home life and in the circle of his friends and acquaintances, simple-hearted and unaffected, of plain and simple tastes, with great aversion to mere formalities or technicalities, with an uncontrollable natural independence of feeling, which sometimes amounts to disregard of mere conventionalities ; with an inexhaustible fund of genial and delightful reminiscences and anecdote; with a mind singularly free from any small motives or feelings, and singularly buoyant, cheerful and pleasant, so that his presence is a continual delight, association with him a never-failing pleasure. One of the latest expressions, when he was not under the restraint of judicial duty, but opened his heart to his army comrades, was at the grand encampment of the Grand Army of the Republic in Louisville, when he addressed his comrades informally, giving expression, in his wise and thoughtful way, to sentiments which showed not only undying patriotism, but noble-hearted liberality and broad statesmanship. His address on that occasion to the members of the regiment which he commanded during the war was in these words:

"But, comrades, other thoughts come to me on this occasion, to which, in view of the circumstances attending our meeting, I may give expression. While our love of the Union is unabated, and while time has not weakened our affection for the memory of comrades who have gone before us, nor diminished our love for those who have survived the conflict of arms and are still with us, the feelings once cherished by us toward those who have so bravely fought on the other side, have undergone a great change. The American people, the entire people, are

standing to-day more firmly than ever before for the safety and the integrity of our free institutions. We have reached a stage of our national life when fidelity to the flag and love of country is not, as once it was, wholly measured by the relation which the citizen held to the struggle of 1861. We no longer doubt that the welfare of the country, and of the whole country, is an object of supreme affection with every true American; nor do we doubt that the national honor and the national dignity, whatever differences exist on political questions, are safe in the hands of those who sought by force to dissolve the Union. We have now a union of hearts as well as a union of lands. The foreign nation that will expect, in a conflict with this country, a division among our people on the lines that divided them in the civil war, would soon find that Americans, whether Union or Confederate, would stand as one man in defense of our common heritage of freedom. We are all glad that such is our condition. We rejoice that no division exists among us in respect of any matter involving the rights or the safety of the republic. So, up with our flag, in the face of the world, and let the nations of the earth know, if they do not already know, that all Americans will be united in vindicating the honor of this country whenever such vindication becomes necessary.

"One thought more. What we have seen during the present week, and what has occurred in the past few years, will tend to strengthen the bonds of union between the people and the descendants of the people who took part in the civil war. In this goodly city we have Union and Confederate soldiers mingling together upon terms of cordiality and brotherly love. They have sat around the same camp-fires and recalled the incidents of past campaigns. They are all Americans. We feel—indeed, we know—that all of them, Union and Confederate, are warmly devoted to their country. In different parts of our land are beautiful cemeteries in which are buried the remains of the dead soldiers of the Union. Throughout the states whose people struggled to establish a separate government for themselves, are cemeteries in which are the remains of the dead soldiers of the Confederacy. These resting places of the deceased should always be objects of our care and affection.

"Union and Confederate soldiers sit side by side in the highest judicial tribunal of our country, in the cabinet, in the two houses of congress and in the legislatures of the states. They have sat with each other, in a foreign land, as members of a tribunal of arbitration, called into existence to settle the disputes of powerful nations. Confederate soldiers, for many years past, have represented our country in high diplomatic position. Compensation for all such services has been, and is being, made out of the common treasury of the country. Further proof is not needed that the American people, although cherishing the glorious memory of their past history and recalling with pride the splendid valor of the dead, have put behind them the mere hates and divisions of the civil war, and now have their faces to the future, all alike concerned for the perpetuation of a Union under which, as nowhere else, is enjoyed liberty regulated by law.

"Now, my comrades, let me again express my joy at this reunion, and my affection for each one of you. I trust you will remember that you are all very near to my

heart, and that I will be glad at all times to do whatever in me lies to bring you happiness and comfort. God bless you all!"

The reasonable limits of this article forbid a review of Justice Harlan's judicial labor or anything more than a general expression of the outlines of his life and character; but it is pleasant to feel that his splendid constitution gives promise of many more years of noble judicial labor, of splendid service in laying down the lines on which our national government is to develop, as his great predecessor, for whom he was named, Chief Justice John Marshall, bore a commanding and immortal part in defining the lines of the original frame-work of our government. It is a valuable hope of our country that he may be spared to a ripe old age of power to work and to study; and it is already fixed and settled that his career in this great court is one of the greatest, one of the most industrious, one of the most useful and one of the most enduring of all the great men who have been members of that tribunal.

In every relation of life he has been great. He was a devoted and faithful son and brother. He is a husband and father who realizes the best ideal of American manhood, and he has been and is a faithful, honest and just judge of commanding learning, power, wisdom, common sense and industry, a glory to his profession and to American manhood.

AUGUSTUS E. WILLSON,
Louisville, Kentucky.

HARRY INNES was born in Caroline county, Virginia, in 1752. His father, Rev. Robert Innes, an Episcopal clergyman, was a native of Scotland, who married Catherine Richards, a native of Virginia. Two of their sons, Robert and James, became distinguished citizens of the Old Dominion. Harry Innes studied law, and in 1777 was employed by the Virginia committee of safety to superintend Chipel's lead mines for the purpose of securing supplies for the army. He was elected by the legislature of Virginia as a commissioner to settle unpatented land claims, and in 1782 became connected with the judicial history of Kentucky through his election by the legislature of Virginia as one of the judges of the supreme court for the district of Kentucky, and, in conjunction with Judges Caleb Wallace and Samuel McDowell, held the first court near Danville, November 3, 1783. September 26, 1789, he was appointed judge of the United States court for the district of Kentucky by President George Washington, and continued to hold that position until his death, which occurred in 1816.

In 1792, on the admission of Kentucky into the Union, he was appointed chief justice, but declined to accept the office. He was president of the first electoral college of Kentucky for the choice of governor and lieutenant-governor; was appointed in 1790 to organize the defense of the frontier; in the following year was a member of the local war board for the western country; and was sole judge of the United States court for the Kentucky district until 1807, his decisions being subject to the reversal of only the supreme court of the United States. His name was involved in the Spanish intrigues on the lower Mississippi, but congress refused to entertain charges of impeachment, believing him actuated by the noblest sentiments of patriotism.

JOHN BOYLE, chief justice of Kentucky, and judge of the United States district court for the district of Kentucky, was born in Virginia, October 28, 1774, and died January 28, 1835, at his own home near Danville, Boyle county, Kentucky. He came of humble ancestry, and thus, without fortune or influential friends to aid him, by his own merit he attained to the highest position in the judiciary of Kentucky. When a child of five years he was brought to this state by his father, who located first in Madison county, but afterward removed to Garrard county, where he spent the remainder of his life. The home of the family was such as one usually sees in frontier regions. The educational facilities of the state had not then reached the high development of the present, and consequently Judge Boyle received but meager school privileges. He was educated by private tutors and in the subscription schools until the elementary branches of learning had been mastered, when he took up the study of Greek and Latin and the most useful of the sciences under the direction of Rev. Samuel Finley, a celebrated Presbyterian divine of Madison county, who did much toward shaping the character of his young pupil, as well as developing his mental powers. When it came time to choose a pursuit to which his talents and energies through life should be devoted, he turned toward the law. His preparation for practice at the bar was thorough and systematic, and within a few years of the commencement of his career as a lawyer he had gained a reputation that ranked him among the able jurists of the state. He was married in 1797 to Elizabeth Tilford and about the same time began his labors at the bar.

In 1802 Judge Boyle was elected to represent his district in congress, and in the council chambers of the nation was an active worker in the Republican party, then led by Thomas Jefferson. He, however, believed that the interests of the party were subordinate to those of the nation, and ever placed principle before self-aggrandizement. His desire was not for a political career; he was pre-eminently a man of domestic tastes, whose interests centered in his home and family and who regarded home ties and duties as most sacred. He therefore preferred to remain in Kentucky, rather than in Washington, hoping to devote his energies to his law practice. His fellow citizens decreed otherwise, however, and twice re-elected him, without opposition, to congress, his service extending from 1803 to 1809. His manner was most modest and unassuming and he never sought the personal advancement and honors that a more self-assertive man could have secured, but superior ability and true worth always makes itself felt and Mr. Boyle could not remain in retirement.

He was offered several federal appointments by President Jefferson, but his devotion to his family led him to decline these honors. One of the first official acts of President Madison was to appoint him governor of Illinois territory. This was an important and lucrative appointment, and he accepted it provisionally; but on his return to Kentucky to visit his family the position of appellate judge of Kentucky was tendered him, and this he accepted, although the duties thereof were very onerous and the salary small. Resigning the governorship, he took his place upon the bench, and on the 3d of April, 1810, he was made chief justice of Kentucky, in which capacity he served until November, 1826, when he resigned. It might be said of him as it was

of King Duncan, he "has borne his faculties so meek, has been so clear in his great office," that no more priceless legacy could he have left to his family than the blameless record of his judicial career.

Judge Boyle was a man of broad general information, with an extensive knowledge of mental and moral philosophy and polite literature. His colloquial style was plain and unpedantic, but fluent, chaste and perspicuous; and his style of writing was pure, graceful and luminous. His legal learning was clear and scientific. Many men had read more books, but none understood better what they read. His reported opinions are equal in most, if not in all, respects to those of any other judge, ancient or modern. His decisions were models of perspicuity and the embodiment of justice. He upheld the majesty of the law and stood firmly as the representative of "that even-handed justice" which is the conservator of the rights and liberties of every individual, humble or great. He adhered closely to the ancient precedents and technicalities of the common law, and in this respect only awakened the criticism of some who believed he did not adapt himself enough to the progressiveness of America or introduce the changes that the advancement of time might permit. In the year 1813 the question whether a merely legal or constructive seizin was sufficient for maintaining a writ of right came up, for the first time, before the court of appeals of Kentucky. This question was eventful and interesting, as it involved the title of much of the best land in the state; and the decision given by Judge Boyle has never been overruled. Another of his more important decisions related to the constitutionality of the Bank of the United States. His most famous decision, however, is the memorable one arising from a series of legislative enactments designed for the relief of debtors and therefore characterized as the "relief system." In this decision Judge Boyle and his associates held that a two-years replevin statute, in its retroactive operation on contracts made prior to the enactment of it, was repugnant to that clause of the federal constitution which declares that no state shall pass any act "impairing the obligation of contracts." This decision was very offensive to the dominant party of the state, and the appellate judges were denounced as "tyrants, usurpers, kings." An attempt was then made to degrade these judges, remove them from office and establish a "new court." The "old court," however, vigorously upheld and maintained its position; and eventually a signal and glorious civic victory was won, and John Boyle was still the honored chief justice of that signally persecuted, yet more signally triumphant, "old court."

On the 8th of November, 1826, he resigned the chief justiceship of Kentucky and accepted from the federal government the office of district judge of Kentucky, which office he held until his death, twice refusing an appointment as a member of the supreme court of the United States.

Judge Boyle was one of the most conspicuous figures in the public life of Kentucky for more than a third of a century, and yet there was no man more modest and unassuming in manner. His strong mentality and brilliant talents made him the equal of Kentucky's most gifted members of bench and bar, and in social life he was genial, courteous and most companionable. His home life was ideal, friendship was to him sacred; his helping hand was ever ex-

tended to the needy, and "e'en his failings leaned to virtue's side." His wife, who was ever his most loved companion, died in 1833. He survived her only until January 28, 1835. That "he lived for his country" is a fitting epitaph for one whose name is inseparably linked with the best interests of Kentucky during the formative period of the state, when was laid the foundation of her present glory and greatness.

THOMAS BELL MONROE was born in Albermarle county, Virginia, October 7, 1791, and died December 24, 1865. His name is inseparably connected with the history of jurisprudence in Kentucky. He was of the same family as President James Monroe. His parents removed to Scott county, Kentucky, as early as 1793; after attaining man's estate Mr. Monroe removed to Barren county.

In 1816 he was elected to the legislature, and in 1819 began to study and practice law. In 1821 he removed to Frankfort and in the winter of that year attended lectures in the law department of Transylvania University, where he was graduated. In September, 1823, he became secretary of state under Governor Adair, serving one year, and in 1825, by appointment of Governor Desha, he became reporter of the decisions of the court of appeals, and published Monroe's Kentucky Reports in seven volumes. September 29, 1830, he became United States district attorney for Kentucky, and March 8, 1834, was appointed judge of the United States district court for Kentucky, by Andrew Jackson. After filling that position for more than twenty-seven years, he abandoned his office and home and fled to the Confederate lines.

As a judge his decisions were of the highest order, being seldom reversed, and his long term of service was characterized by learning, justice and fairness. He became a professor in the University of Louisiana in 1848 and spent several winters in New Orleans in discharge of the duties of that position; afterward filled the chair of civil, international and criminal law in Transylvania University at Lexington; was also professor of rhetoric, logic and history of law at the Western Military Academy at Drennon Springs; and had the degree of LL. D. conferred upon him by the University of Louisiana, Center College and Harvard University. He was an early supporter of the doctrines of Thomas Jefferson, but after becoming judge took no active part in politics.

For his wife he married Eliza Palmer Adair, daughter of Governor John Adair.

BLAND BALLARD, judge of the United States district court for the district of Kentucky, was born September 4, 1819, in Shelby county, and educated in its schools and at Hanover College. He read law under the guidance of James T. Morehead, and was graduated in the law department of Transylvania University, of Lexington, in 1846. He entered in the practice at Shelbyville, but in the same year removed to Louisville, which continued to be his home up to the time of his death, July 29, 1879. He was an active practitioner of the law up to the date of his appointment as judge of the United States district court in 1861, was connected also with the business interests of the city, and took an active interest in all that tended to improve the beauty and welfare of Louisville and in its institutions

Bland Ballard.

for the benefit and relief of suffering humanity.

He was opposed to slavery, from principle, and espoused with great earnestness the cause of the Union, while as a judge he did everything in his power to uphold the government in the contest in Kentucky with those of southern sympathies. The records of the United States court in Kentucky probably show a greater number of indictments for treason and conspiracy than any district in the country, the conditions existing in Kentucky being exceptional. Judge Ballard was withal a fair-minded man, stern in his administration of the law, but guided by the law and not by prejudice. He ranked high as a lawyer and judge, and in his personal relations with men was a pleasant, affable companion, a courteous and kindly man.

He was married in 1846 to Miss Sarah McDowell, daughter of Dr. William A. McDowell.

JOHN W. BARR, of Louisville, judge of the United States district court, is a native of this state, born in Versailles on the 17th of December, 1826. For more than a century the family have been connected with Kentucky. His grandfather, a native of Pennsylvania, took up his residence in Fayette county, this state, in 1787, and spent the remainder of his life on a farm near Lexington. The judge's father, William Barr, was born on that farm, in 1796, and acquired a good education in private schools. His business career was spent as a merchant in Versailles and Louisville. He remained in the former city until 1840, and then, selling his store, went to Mississippi, where he engaged in cotton planting. He married Ann Watson, who was born in Virginia in 1808, a daughter of Dr. John and Nancy (Howe) Watson. Her father was a native of Maryland and in early manhood removed to Woodford county, Kentucky, where he successfully engaged in the practice of medicine until his life's labors were ended. Mrs. William Barr was educated in Woodford county, and in 1825 the parents of the judge were married. Her mother, who was a consistent member of the Presbyterian church, died in Versailles, in 1829, at the early age of twenty-one years. Mr. Barr was a stanch Whig in politics, giving an unwavering support to the principles of that party, but political office never had strong enough attractions for him to draw him away from his business. He died in Washington county, Mississippi, in 1844.

Judge John W. Barr acquired his literary education in the private schools of his native county. Wishing to enter upon a professional career, he prepared for the bar at Transylvania University at Lexington, where he graduated at the age of twenty years. To his old home in Versailles he returned and established a law office, but soon sought broader and more varied fields of usefulness in Louisville. For almost half a century he has been identified with the bar of this city, and the place that he occupies to-day as judge of the United States district court is a tribute to his superior ability and fitness. He formed a partnership with Joseph B. Kinkead, a connection that continued for eight years. Their business relation was then dissolved, but their warm personal friendship continued until the death of Mr. Kinkead a few years since. Until 1864 Judge Barr continued alone in the practice of law, and then formed a partnership with Hon. John Kemp

Goodloe. Four years later, in 1868, the firm was joined by Judge Alexander P. Humphrey, the three gentlemen remaining together in this relation until 1880, when Mr. Barr was raised to the bench by the appointment of President Hayes, to succeed Judge Bland Ballard, deceased. His law practice was usually in the higher courts, and embraced some of the most important litigation of his district prior to 1880. It thus proved an excellent school of preparation, fitting him for his judicial duties, and since he has occupied the bench he has won a reputation as one of the ablest district judges in the country. His calm, cool nature, free from mistakes of impetuosity, his clear reasoning and unbiased judgment peculiarly fit him for his judicial duties, while his comprehensive knowledge of law in its various branches and his keen analytical mind enable him to grasp readily all the points of a case.

In November, 1859, Judge Barr was united in marriage with Miss Susan Rogers, daughter of Colonel Jason Rogers, of Louisville. Educated in the best schools of Louisville and New York, she possessed not only the culture that comes from liberal mental training but also that innate refinement of nature which unconsciously commands respect at all times. Her consistent Christain life was the exponent of her unfaltering faith in the doctrine of the Presbyterian church, of which she was a member. She died in 1871, leaving seven children,—two sons and five daughters,—namely: John W., Jr., Anna W., Caroline H., Susan R., Josephine P., Elise R. and Jason Rogers. The Judge and his family attend the College Street Presbyterian church.

In early life Judge Barr voted with the Whig party, but when that party in Kentucky was absorbed by the American party he voted the Democratic ticket. He was during the late civil war an earnest and ardent Unionist, and took part in raising and organizing Union troops; and when the Republican party was formed in the state of Kentucky he joined its ranks, and has since been a consistent and earnest advocate of its principles. Through his exertions the Board of Louisville Sinking Fund Commissioners was established, and he was its president from 1868 to 1872. He was a number of times a member of the Louisville city council, and aided in several efficient reforms in the city government. For twenty years he was a director of the Bank of Kentucky. In all of his relations in public and private life he has enjoyed the respect and confidence of his fellow citizens. In manner he is kindly; in disposition, genial and easy of approach; and when on the bench, dignified, courtly and earnest, fully sustaining the majesty of the law and the dignity of the court.

THE LOUISVILLE BENCH AND BAR.

"LAW as a science — that is, as consisting of certain principles well defined and universally admitted — has commanded the unqualified admiration of all who have perceived its excellence and importance in the conduct of human affairs. No language however eloquent, no genius however gifted, no eulogy however magnificent, can transcend the limits of truth in giving expression to its value and beauty. Its clear recognition of the rights of man as an individual and of his relations to the state and to his fellow man, and of his duties and obligations as a member of organized society ; its imperative command that one so regulate his own conduct that in using his own he may not injure others ; the equal protection and opportunity extended those in every rank and all conditions of life,—all these combine to clothe with majesty and crown with glory the principles of law."

No bar more fully exemplifies the above statement of a prominent Chicago lawyer than the Louisville. Pioneer simplicity has become metropolitan complexity in the history of Louisville jurisprudence. The rapid and substantial development of Kentucky's chief city has brought many changes in her business and social conditions, out of which have arisen intricate law questions until every department of jurisprudence is represented by men of superior legal attainments, able in forensic combat to cope with the brightest minds of the nation. Even in the days when the city in embryo was known as the "Falls," her lawyers were men of learning, of profound thought and strong intellectual endowments, but the court at that time was in strong contrast to that of the present day. Originally Kentucky, as a part of Virginia, came under the same judicial system as the Old Dominion. Louisville was incorporated in 1780. For two years thereafter all legal proceedings of this state, with the exception of the trials for misdemeanors, must be heard in one of the three superior courts of Virginia. In 1782, however, a "district court of Kentucky" was established at Harrodsburg, but still Louisville had no jurisdiction over any but trivial offenses. In 1781 local courts had been established, presided over by justices of the peace, who were appointed by the governor. In log cabins these courts convened, and although the justices were men of high standing in the community,—a wealthy farmer, merchant or landlord usually being chosen,—they had no knowledge of law. These men interpreted, and dispensed justice according to their own judgment and punished offenders as they saw proper, without regard to precedent. The term "bench" might have been used literally as well as figuratively, for the justices usually sat upon a bench of pioneer construction. These courts continued in force in Louisville until 1803. If the subject of litigation exceeded four dollars and sixteen cents or the crime was a felony the case was tried before a county or quarterly court, but the

offender in these was again at the mercy of equally unprepared justices, for the county court, holding monthly sessions, was presided over by four or more justices, while the quarterly court, held every three months, was presided over by three or more of the local justices, so that the nature of the dicision rendered was unlikely to be of a more judicial cast than when granted by the single justice; in fact, when an attorney who had just won a suit in a court of this kind asked his fellow attorney who had lost the case, "What could be better than three justices?" he was answered, "One justice."

In the settlement of any region the work of advancement is laborious and slow. The people of Jefferson county lived in forts or log cabins; on account of the difficulties of travel there was little intercourse with the outside world and the Indians were numerous and vengeful. When it was safe to venture beyond the protecting precincts of the fort, Jefferson county erected in Louisville a little log courthouse, sixteen by twenty feet, with board roof and puncheon floor. It was built in 1785, and was an object of pride both to bench and bar. On the admission of Kentucky into the Union, a judicial system much like that of Virginia was adopted, and in 1795 district courts were established throughout the state; but Louisville was not made a center of justice, and it was not until 1802, when the district courts were superseded by circuit courts, that Louisville had opportunity to entrust her legal matters to judges versed in law, and not to justices of the peace, who were honest in intent but unlearned in jurisprudence.

Jefferson county being made a circuit in that year, Stephen Ormsby, who was appointed judge, convened the first circuit court that ever sat in Louisville, March 7, 1803. He was an able lawyer, but the act establishing the court provided that he should have two assistants, and these gentlemen knew nothing of law, so that Judge Ormsby's work was somewhat blocked. In 1807 Jefferson county was made a part of the fifth judicial district of Kentucky, the office of assistants to the circuit judge was abolished, and Judge Ormsby alone was appointed to hold circuit court in Louisville. "Thus, after twenty-six long and weary years of courts held by justices of the peace, Louisville had a single court in which one thoroughbred judge sat, with the real learning and dignity of the bench." The judges who occupied the bench of the Louisville circuit by appointment of the governor were:

S. Ormsby...	1803-1810	T. T. Crittenden	1832 ——
F. Cosby.....	1810-1816	T. Q. Wilson...	1832-1833
A. Metcalf...	1816-1819	J. M. Hewitt...	1833-1836
J. P. Oldham.	1819-1826	J. J. Marshall...	1837-1846
Henry Pirtle.	1826-1832	W. F. Bullock.	1846-1851

In the charcery court George M. Bibb served as chancellor 1835–1844, and Samuel S. Nicholas 1844–1851, while in the city court John Joyes was judge 1836–1851. Under the third constitution, which went into effect in 1851, the system of appointed judges was abolished and that of electing the judicial officers established. None of the judges under the old *regime* are now living. All of them have long since ceased to sit on the affairs of frail mortals, and have gone before that higher tribunal where judgment never errs. Some of them have left a record for intellect and learning and integrity which must endure forever, and none of them have left a name beclouded by dishonorable deeds.

Stephen Ormsby, the first to preside over the Louisville circuit court, was ap-

pointed by Governor James Garrard in 1803. A native of the Emerald Isle and there educated for the bar, he came to Louisville in early manhood and was here admitted to the bar in 1786. From 1810 to 1817 he represented this district in congress. He was the first educated lawyer who presided over the court of Louisville and justly deserved the honor conferred upon him. He died in 1846.

Fortunatus Cosby, who succeeded Judge Ormsby by appointment of Governor Charles Scott, was born in Georgia in 1766, but during his childhood removed to Virginia, and at the age of nineteen was graduated at William and Mary College. For two years thereafter he studied law, and then removed to Kentucky, where he was admitted to the bar, beginning practice in Louisville in 1797. He was a learned judge and one of the most cultured and accomplished gentlemen of the day. Possessed of a fortune, he was at one time the largest realty owner in Louisville, having purchased of Sarah Beard, the heir of Colonel John Campbell, all that was left of the broad acres on which Louisville was laid out, for ten thousand dollars. His hospitable home was the one in which many of the distinguished strangers who visited the city were handsomely entertained. He died in 1847.

Henry Pirtle, John J. Marshall, George M. Bibb and Samuel S. Nicholas are all mentioned in other departments of this volume.

William F. Bullock, the last of the circuit judges who held office by appointment of the governor, and the first to be elected by the people under the constitution of 1850, was commissioned by Governor William Owsley in 1846. After the expiration of the term for which he was appointed, he was elected by popular vote in 1851 for a term of six years, but resigned in 1855, and resumed the practice of law. He was a graduate of Transylvania University, and distinguished himself while in college and in after life by his rare attainments as a scholar and his high gifts as an orator. His address of welcome to Henry Clay in 1824 and his oration at the unveiling of Hart's statue of the great statesman in 1867, showed how nobly he could both write and speak when occasion required. In 1828 he had moved to Louisville and at the age of twenty-one began the practice of law at which he was unusually successful. In 1838 he was elected to the legislature and re-elected in 1840. While a member of the assembly he became the promoter of some of the most important acts ever passed in that body. His name will forever be associated with the establishment of the common-school system of the state, and with the Kentucky Blind Asylum at Louisville. In 1849 he was made one of the professors in the law department of the University of Louisville, where he was an exceedingly popular lecturer to the classes on account of his clear and pleasing delivery. On the bench he was popular for his courteous manners and esteemed for his learning and just decisions. He was a judge without fear, and on one occasion, when some negroes had been hung in the court-house yard, partly on account of a decision he rendered and which the mob construed as favoring the culprits, he walked through the midst of the mob to fill his seat in the court-house as if that angry assembly had been a smiling crowd of picnickers. He was born in Fayette county, January 16, 1807, and died in Louisville, August 9, 1889.

We have seen that under the *regime* of the justices the bench lacked the legal

learning which has usually distinguished it, but the bar even at that time was famous for men of erudition and comprehensive knowledge. The history of the settlement of Kentucky is peculiar, being different from the establishment of almost every other state. It was not the men who found it hard to make a living in Virginia and hoped to better their condition in Kentucky that founded the new commonwealth. The Old Dominion sent many of her best people to the new district —families embracing the best culture, blood and brains of Virginia. They secured extensive land grants, established plantations, and, though they first lived in the style and experienced the hardships of the pioneer, they founded homes and ultimately lived in the style of wealthy country gentlemen. Among the number were men who had been prominent in affairs of state in Virginia and in the legal profession. These practiced in the new courts of Kentucky, and while the "bench" of Louisville was crude, its "bar" embraced many distinguished members.

Prior to the beginning of the nineteenth century there were found on the roll of Louisville's bar, in addition to some previously mentioned, the names of Alexander Scott Bullitt, William McClung, Buckner Thruston, John Rowan, John Pope, Ninian Edwards, Isaac Robertson and Lyman Harding,—men whose fame and ability ranked them with the eminent men of the nation. In addition to their law practice they became prominent in affairs of state. John Todd served as the first governor of the territory of Illinois, and would probably have attained great distinction, but was killed in the battle of Blue Licks, in 1782; Christopher Greenup was elected to congress in 1792 and became governor of Kentucky in 1804; John Rice Jones won distinction as a jurist and statesman of Indiana; James Hughes was the author of the first publication of the reported decisions of the court of appeals; John Rowan was a member of the convention which framed the second constitution of Kentucky, was secretary of state under Governor Greenup, a member of congress in 1807, judge of the court of appeals in 1819 and United States senator in 1825–31; John Pope was governor of Arkansas territory in 1829, United States senator 1807–1813, and a member of congress 1837–1843; and George Muter, Buckner Thruston and Ninian Edwards are mentioned at length elsewhere in this work. While these men were learned and capable in the court-room, their surroundings in the early part of the century were still primitive and the customs of the pioneer lawyer were followed by them. Mounted on a good horse—and Kentucky has ever been famous for her good horses—they rode through the forests where possible dangers awaited them in the form of Indian attacks. Their law libraries, consisting only of a few volumes, were carried from place to place in their saddlebags, and thus John Todd, Christopher Greenup, Walker Daniel, George Muter and others, non-residents of Louisville, made their way to that city to participate in the forensic combats. The mere handful of books owned by these men is in marked contrast to the extensive libraries of to-day, and Chitty's forms of pleading were in vogue until the code of practice became the law under the constitution of 1850.

As the city increased in size the bar accordingly numbered more members, who fully sustained the high reputation established by the eminent jurists and statesmen who were prominent in forming the judicial

and legislative policy of the state and nation. The names of J. D. Breckinridge, Charles M. Thruston, James Guthrie and Garnett Duncan among others were added to the list of distinguished men already practicing in Louisville. Mr. Breckinridge, who was admitted to the bar in 1806, was one of the wealthiest and most accomplished of Louisville's lawyers. He served in congress from 1821 to 1823, and died in 1849. Garnett Duncan became a member of the bar in 1823 and represented the district in congress from 1847 to 1849. Charles M. Thruston, who was admitted to the bar in 1813, was several times elected to the general assembly and was a brilliant orator. James Guthrie is mentioned elsewhere. When the first half of the nineteenth century drew to its close, none of those who were practicing at its beginning were still at the Louisville bar. Most of them had passed beyond the river of death to answer before the tribunal of Him who shall judge the quick and the dead. Those of twenty-five years before had also largely left the ranks of the active practitioners and the *personnel* of the Louisville bar was quite different; but not for a moment has it lost the prestige so early gained.

The rapid growth of the city naturally increased its litigated interests, all departments of law being represented in the controversies, and in consequence it drew to the city the most able jurists of the state, men who devoted their talents to special branches of law and those who were also skilled as general practitioners. The roll of lawyers in 1850 included the following: Bland Ballard, William S. Bodley, Joshua F. Bullitt, Robert J. Elliott, William H. Field, James Guthrie, J. O. Harrison, J. B. Lancaster, Caleb W. Logan, P. S. Loughborough, A. J. McKinley, L. H. Rosseau, James Speed and Nathaniel Wolfe, all of whom were men far above the average in intellectual endowments and legal learning. Each one of them would have stood in the front rank of any bar in the land. Joshua F. Bullitt is the only one yet living, 1897. He is full of years and honors, having been chief justice of Kentucky and the author of several law books of standard authority.

But while the *personnel* of the Louisville bar was constantly changing, while new recruits were taking the place of those whom death or residence removed, as marked a transformation was going on in the character and formation of the courts—a transformation growing out of the enlarged and diversified interests of city life. The same conditions existed nowhere else in the state, for, as the metropolis of Kentucky and the center of commercial activity, Louisville's interests were more extensive, varied and complicated, accordingly bringing about some marked peculiarities in commercial law and other departments of jurisprudence.

While Kentucky is under the same federal jurisdiction as the other states of the Union and its federal courts have remained the same, special legislation has adapted itself to the needs of Louisville in the way of creating statutory courts. The circuit court, established in 1803, had jurisdiction over all criminal, civil, chancery and equity proceedings until 1835, when the accumulated litigation became too great for the attention of any one judge, and in that year the Louisville chancery court was established, having charge of almost the entire equity jurisdiction of the Jefferson circuit court until January, 1893, when it was abolished by the last constitution. The third constitution provided for its abolish-

ment at any time by act of the legislature, which was also given the power to modify its jurisdiction. As in the other offices of the judiciary, its judges were appointed until after the adoption of the third constitution, which made the judgeship elective. The following lawyers successively were chancellors: George M. Bibb, S. S. Nicholas, Henry Pirtle, C. W. Logan, Henry Pirtle, Thomas B. Cochran, H. W. Bruce, A. P. Humphrey and Isaac W. Edwards.

From 1807 until 1840 Jefferson county was a part of one of the judicial districts of the state, but the increase in population seemed to make it expedient that it be constituted a district alone, and John J. Marshall and afterward W. F. Bullock served as its judges under this act. On the adoption of the third constitution, however, it again became one of a number of counties in a judicial district and its judges were successively W. F. Bullock, P. B. Muir, G. W. Johnston, H. W. Bruce and W. L. Jackson, Sr. During Judge Jackson's third term of office Jefferson county was again made into a separate judicial district. Judge Jackson remained upon the bench until his death, when R. C. Davis was appointed to fill the vacancy, but at the next election W. L. Jackson, Jr., was elected and remained judge of that court until it was superseded by the court ordained by the fourth constitution. The chancery court carving out of the circuit court its equity jurisdiction, and the establishment of a court of common pleas, in 1865, having jurisdiction over almost all of the common-law business, left the circuit court largely a court for the trial of crimes and misdemeanors, unless causes and questions were transferred to it from the common-pleas court. Still another change occurred in 1872, when a statute was enacted providing for the election of a judge to be called the vice chancellor of the Louisville chancery court, who should hear and determine such cases and questions as should be assigned him by the chancellor and the judge of the court of common pleas. By various statutes this judicial office was so modified from time to time that it finally developed into a court styled the Louisville Law and Equity Court, and actions were instituted in the same just as in the other civil courts of the rank of circuit court. Its bench has been occupied by Judges James Harlan, F. T. Fox, A. T. Pope, John G. Simrall, W. O. Harris and Sterling B. Toney.

In addition to the circuit court a county court of Jefferson county was created by act of the legislature in 1854. It also heard certain of the litigated interests of the county, its jurisdiction being fixed by statute. A levy court was composed of the county judge and certain justices. A city court of Louisville was created in 1837. It has a varied jurisdiction, embracing the punishment of certain classes of misdemeanors, the holding to surety for the peace or for good behavior, and the punishment for breach of ordinance of the city. Under the latter head some important revenue matters come into its jurisdiction.

Thus were the courts of Louisville and Jefferson continued until September, 1891, when the new constitution brought a new order of judicial procedure. It was the aim of the constitutional convention to produce as nearly as possible a uniformity in the tribunals of the state. This was possible in all save the circuit courts, where special provision had to be made to accommodate the volume of business that would be embraced

within its jurisdiction. Section 137 of the constitution reads as follows: "Each county having a population of one hundred and fifty thousand or over shall constitute a district, which shall be entitled to four judges. Additional judges for said district may, from time to time, be authorized by the general assembly, but not to exceed one judge for each increase of forty thousand of population in said county, to be ascertained by the last enumeration. Each of the judges in such a district shall hold a separate court, except when the general term shall be held for the purpose of making rules of court, or as may be required by law; provided, no general term shall have power to review any order, decision or proceeding of any branch of the court in said district made in separate term. Criminal cases shall be under the exclusive jurisdiction of some one branch of said court, and all other litigation in said district, of which the circuit court may have jurisdiction, shall be distributed as equally as may be between the other branches thereof, in accordance with the rules of the court made in general term, or as may be prescribed by law." The criminal division is to have no jurisdiction over civil matters, although the judge of that division may hear and determine questions and cases pending in another division, upon the request of the judge of such other division entered upon the order book of the division. There was also established a chancery division having jurisdiction over all chancery matters and a court of common pleas having jurisdiction over civil lawsuits. The fourth division created was the law and equity court, and a provision was made whereby every third case at law and every third case in equity should be assigned to the chancellor. The number of cases filed in the Jefferson circuit court, in the year ending July 1, 1895, was two thousand, nine hundred and thirty-five.

Louisville's litigation is of course similar to that of other cities of the republic. Her bench and bar have kept pace with the advancement made in the science of jurisprudence; and with the passing away of the old pioneer conditions law proceedings have become more and more of a mental contest, where the best brains are arrayed against one another and where the man of mediocre ability stands but little show. No profession demands a more varied and comprehensive knowledge on the part of its followers than the law, and the Louisville bar of to-day is composed of men of strong intellectual endowments, exceptional mental alertness, quick at repartee, of keen discernment and wonderful powers of analysis. Their names already adorn the pages of contemporaneous history, and the unbiased judgment of future generations will pass still higher encomiums upon them than are now uttered when the bitterness of defeat often causes the vanquished to form unfair opinions. Time, however, tests the merit of all things, and when the present shall have become the past the names of many now living representatives of the Louisville bar will be found entwined with those of the distinguished dead whose records are a source of inspiration and an honor to the state.

JOHN ROWAN.—Among the eminent lawyers and statesmen of Kentucky whose names have shed luster upon the state, that of John Rowan deservedly stands pre-eminent. He rose early to prominence at the bar, and for nearly fifty years, during which he filled many high offices,—on the bench and in the state and national coun-

cils,—he was recognized as the peer of the ablest of that galaxy of lawyers and statesmen of his day, whose lives and talents have given to the commonwealth an enduring fame.

He was born in York county, Pennsylvania, in the year 1771, his father and mother having been born in the same county and neighborhood. He came, on his father's side, of a sturdy Scotch-Irish descent so largely represented in the early history of Kentucky, while his mother, whose maiden name was Cooper, was of Quaker descent. His father, William Rowan, at the breaking out of the Revolutionary war, held a valuable office under the crown, but this did not have the effect in the least of weakening his patriotism, for he raised and commanded a company in that struggle. His generous nature had led him to impair, through assistance to others, his own and his wife's very ample fortune, and he lost from the ravages of the war much of the little that was left. At the close of the war, with the hope of repairing his shattered fortune, he emigrated from Pennsylvania to Kentucky (then a district of Virginia) in the wild lands of which he had invested the remnant of his fortune. He arrived at Louisville in March, 1783, and finding the locality uninviting from prevailing sickness, he resumed his journey the following spring, and settled at the falls of Green river, on land which he had bought before leaving Pennsylvania. After remaining there several years amid the exciting scenes of the frontier, he removed to the vicinity of Bardstown, for better educational opportunities for his children. At Bardstown John Rowan attended the celebrated school of Dr. Priestly, where he received a classical education, having as schoolmates Felix Grundy, Joseph Hamilton Daviess, John Allen and others who rose to distinction. Here his mind began to give evidence of his future greatness. He mastered with ease all the studies of the school, and earned from his accomplished teacher the encomium of "a good scholar, a man of genius." By the light of a cedar torch he studied the classics, and drank in those treasures of the ancients which abided with him to the last. Learning was with him an ambition,—not pursued merely for momentary gratification, but to give nourishment and stimulus to his strong natural mind, that it might grow and expand under the culture of the great masters of antiquity. He exhausted the authors studied by him, the intimate thoughts of the Greek and Latin poets and prose writers became familiar to him, and he acquired from these that Roman majesty of character so uniquely his in after life.

After quitting the school of Dr. Priestly, Mr. Rowan was sent by his father to study the law under that master of *jurisconsults*, George Nicholas, at Lexington. Nicholas was the personal and political friend and confidant of Thomas Jefferson, and was a man of commanding abilities and great professional learning. This is clearly proven by the fact that the young men who were his pupils became the most successful and celebrated lawyers of their generation. Joseph Hamilton Daviess, Isham Talbot, Jesse Bledsoe, Solomon P. Sharp, William T. Barry, John Pope, Robert Wickliffe, John Rowan and others of almost equal celebrity were pupils in his office, and constituted a group of most remarkable men and lawyers.

In the study of the law his progress was equal to the wishes of his most sanguine friends, so much so that Nicholas—a man

who never flattered—after due probation, pronounced him a thorough lawyer and sent him forth, in his emphatic language, "to succeed."

He was admitted to the bar in 1795 and soon attained a high rank in his profession. In 1799 he was elected a member of the convention which framed the second constitution of Kentucky. In 1803 he became involved in a personal difficulty with one Dr. Chambers, of Bardstown, and although he sought to avoid a duel, being forced into it by his adversary, he killed him. Felix Grundy, who was the commonwealth's attorney at the time, resigned his office to avoid prosecuting. In 1804 he was appointed by Governor Greenup, secretary of state, and served until 1806, when he was elected to congress from the Bardstown district, in which he did not reside,—a compliment accorded to no other, it is believed, in the history of the state. He took his seat in 1807, and served with distinction in the eleventh congress. He then devoted himself to the practice of law. His success in civil causes was great, for he was a thorough lawyer, and he brought to their investigation an uncommon fund of learning, which, though not usually possessed by lawyers, is largely auxiliary to the attainment of success. "His mental organization," says one of his early biographers, an eminent member of the bar, "was fitted for advocacy more than the duties of a mere barrister in civil causes, and his wonderful success in defending criminals marks him as having been one of the greatest advocates of America. It may seem to some that this is claiming too much for him, but the annals of the profession, neither in England nor the United States, present a parallel to his success. * * * In defense of life, Rowan stands alone. * * * There was no resisting him, either with the torrent force of his reasoning he tore away the obstruction of prejudice and convinced the jury, or, with the deep and impassioned relation of the wrongs which had induced the commission of an apparent crime, he so filled their hearts that they gave way to mercy in tears. Many jurymen who sat under his eloquence, have said that there was in the manner and the oratory of Rowan a force that overcame them ere they could steel themselves against it,—nay, that they believed to resist him in a capital case was almost impossible."

All of his efforts at the bar were in defense and not in the prosecution of unfortunates, with one exception. When very young and poor, he was appointed public prosecutor by, perhaps, Judge Crosby; the place was a sure road to eminence and a lucrative practice. He accepted it, and the first case was a charge of larceny against a widow's son. He prosecuted and convicted him. His feelings overcame him. He resigned, moved a new trial and obtained it; and at the next term acquitted the offender. From that day forward he resolved never to engage in the prosecution of his fellow man, and that he kept his resolve is shown by his declaration in one of the greatest speeches of his life, made in the successful defense of the Wilkinsons, at Harrodsburg in 1838, (reproduced in "Carlton on Homicide"), that in his nearly fifty years of practice he had never taken a fee nor appeared as an attorney for the prosecution of a fellow man. Whether the reasoning that influenced his course can be sustained or not, his steadfast adherence to his resolve, to his great pecuniary disadvantage, must challenge the admiration of all.

He served in the legislature as a mem-

ber from Nelson county five consecutive terms — from 1813 to 1817 — and in 1819 was appointed by Governor Slaughter judge of the court of appeals. While on the bench he delivered, among other able opinions, one against the constitutionality of the act of 1816 rechartering the Bank of the United States. But the confinement of the bench was distasteful to one of his active habits, and he resigned, after serving two years. The state was in a ferment, growing out of the financial embarrassment which had long distressed the people, and he became conspicuous as a member of the Relief party, which sought to avert the disasters that seemed to threaten general bankruptcy, His services at this juncture are a part of the history of the state ; and as an example of his logical power, as well as a full presentation of the views and reasons of those upholding relief enactments, the preamble to the legislation adopted in 1825, condemning the court of appeals for their decision in the case of Lapsley versus Brashear, is commended to the curious reader.

In 1823, in conjunction with Mr. Clay, he was appointed by the legislature a commissioner to represent the state before the supreme court, in defense of what was known as the occupying-claimant laws of Kentucky. The petition in the case was drawn by Judge Rowan, and was regarded as an able vindication of those laws; but the court decided them to be in conflict with the compact with Virginia at the time Kentucky became a state. In 1824 he was elected to the United States senate and served until 1830. The debates of the senate during the period of his service show that he participated in the discussion of all the leading questions of the day, and his speeches are largely quoted in Benton's "Abridged Debates." In the discussion upon the bill to abolish imprisonment for debt, and that to amend the judiciary system of the United States, he took a conspicuous part, while upon the resolutions of Mr. Foote, he shared the honors of the debate with Webster, Hayne and Calhoun. Mr. Webster declared that his argument in support of the state-rights theory was masterly in the extreme.

One of his biographers has justly said of him: "In him centered the chivalry of Kentucky character; not the gusty and evanescent spirit too prevalent in some quarters, nor the staidness of demeanor approaching cant, to be found in others; but that just medium which betokens sincerity, kindness and resolution. The characteristics of his constituents were reflected in his senatorial career; and while Kentucky has a name in the territorial divisions of our country she may look upon that career with pride and point to that son as an object worthy of emulation."

One of Judge Rowan's characteristics was the helping hand he gave to young men in his profession. Many of the most prominent lawyers and jurists of their day read law with him, among them Governor Lazarus Powell, James Guthrie, Judge Henry Pirtle, and Judge John McKinley of the United States supreme court.

The last public office he filled was that of commissioner under the convention at Washington for the adjustment of claims of citizens of the United States against Mexico, of the 11th of April, 1839. In this he labored with great assiduity; and when, upon an adjournment of the commission he had returned to his family in Kentucky, and from a temporary indisposition of health he was unable to return to Washington at the time

expected, he resigned his office for fear there might be some disappointment to persons who had business before the tribunal, such was his delicate appreciation of public duty. On the organization of the Kentucky Historical Society in 1838 he was elected its president and held the position until his death.

He was devoted in friendships and hated no man; was exceedingly urbane in his manners; hospitable, kind in his habits; of uncommonly interesting colloquial powers.

In person Judge Rowan was six feet one and a half inches high, very erect in carriage, with broad shoulders, large, massive head crowned with thick hair. His strongly marked face betokened the character of the man and plainly hinted at his Scotch origin. His presence was stately in the extreme and imposing. He has been described when in excitement of debate as leonine in appearance.

He was contemporary with Henry Clay, John J. Crittenden, Ben Hardin, Richard M. Johnson, William T. Barry, and Solomon P. Sharp, and took rank with the foremost as a leader in formulating public opinion and in the defense of the institutions of a free and enlightened people.

His wife, who was a sister of General William Lytle, a prominent and wealthy citizen of Cincinnati, and the grandfather of the distinguished young federal general of the same name, who lost his life at Chickamauga, was a lady well fitted, in all the charms of womanly grace and virtue, to be the wife of such a man; and their home, "Federal Hill," in Nelson county, was the hospitable resort of all the prominent persons of that period, and of their relatives and friends. It is said that it was a visit to that hospitable mansion that inspired Stephen C. Foster to write "My Old Kentucky Home." Although Judge Rowan retained his home in Nelson county, he purchased a residence in Louisville about 1817, and divided his time between the places. He died in Louisville on the 13th day of July, 1843, and was buried in the family burying grounds at Federal Hill. Although he had a family of three sons and six daughters, but four of his children survived him, viz.: John Rowan, Jr.; Mrs. Ann R. Buchanan, Mrs. Alice Wakefield, and Mrs. Elizabeth Hughes,—all of whom have been dead many years.

HUMPHREY MARSHALL. — At the time Kentucky sought separation from the Old Dominion and endeavored to gain recognition from the United States government as a free and independent state, this gentleman was a leading factor in the movement, and from that day down to the present time the name of Humphrey Marshall, as borne by father, grandson and great-grandson, has seldom been absent from the annals that record the progress and development of this commonwealth.

Humphrey Marshall, whose name introduces this review, was born in Westmoreland county, Virginia, in 1756, a son of John and Jane (Quisenberry) Marshall. His father was born in 1732 and died in 1805. The ancestry is traced back to Captain John M. Marshall, of Ireland, who after the deposing of Charles I. came to America, about 1650, and settled in Jamestown, Virginia, whence he went to Westmoreland county. There was born his son, Thomas Marshall, who died in that county in 1704. His second son was known as John Marshall of the Forest, who married Elizabeth Markham, and from their two sons, John and Thomas,

are descended the various members who have made the name famous in connection with the legal profession, the former being the father of Humphrey Marshall.

Humphrey Marshall obtained a good education, studied law and soon gained a conspicuous place among the public men of Virginia. When the colonies attempted to throw off all allegiance to the British crown he became a captain in the American army. In 1780 he removed to Kentucky and married his cousin, Mary Marshall, daughter of Colonel Thomas and Mary R. (Keith) Marshall. The former, of Revolutionary fame, was born in 1730 and died in 1802; the latter, born in 1737, died in 1809. Mary Marshall was a sister of Chief Justice John Marshall, of the United States supreme court. Humphrey Marshall and his wife had three children, but the daughter died in infancy. The two sons will be mentioned later on in this connection.

From the time that Humphrey Marshall established a home within the borders of the state he figured most prominently in its public affairs. While Kentucky was still a part of the Old Dominion he was a member of the Virginia convention which ratified the present constitution of the United States, and to him was greatly due the conversion of a large majority that at first opposed its adoption. His identification with the material as well as the political history of Kentucky is shown by the fact that in 1783 he purchased a town lot in Lexington. This was just two years after the adoption of the town plan by the trustees. An old file of the Kentucky Gazette, published in Lexington at the close of the eighteenth century and now in the Lexington library, shows that he was a member of the "Kentucky society for promoting useful knowledge."

In 1787 he was a delegate from Fayette county to the Danville convention, where was considered the question of separation from Virginia and also that of an alliance with Spain. Subsequently he removed to Woodford county and was its representative in the general assembly in 1793, during which session he opposed the plan for the enlistment of troops in this state under General George Rogers Clark to attack the Spanish settlements at the mouth of the Mississippi river. The published communications which led to the legislative investigation into the conduct of Judge Benjamin Sebastian and established the fact that for years he had been the paid pensioner of Spain, and compelled his resignation from the bench of the court of appeals, were mainly from the pen of Humphrey Marshall.

He was next elected to the United States senate as a Federalist over the popular and talented John Breckenridge, the Republican candidate, serving from December, 1795, to March 3, 1801, during which time he voted for the conditional ratification of the treaty that had been negotiated with Great Britain and opposing alliance with any foreign power. This was greatly against the wishes of many of his constituency, who bitterly denounced him, but it showed forth the true character of the man in his able defense of what he believed to be right. In 1806 he took an active part in denouncing and thwarting the plots of Aaron Burr and his coadjutors. He served again in the legislature of 1807, 1808, 1809 and 1823, and in 1810 was a candidate but was defeated by George Adams. A dispute in which he was engaged with Henry Clay in the legislature

resulted in a duel, January 19, 1809, in which Mr. Clay was wounded.

Mr. Marshall was also the author of the first published history of Kentucky. It was printed in Frankfort and first appeared in 1812, after which time another volume was published. Mr. Marshall was as unrelenting a foe as he was a stanch friend, and the prejudice and partisan spirit which so largely characterized the time was shown forth in his first volume; but when the second volume appeared in 1824 he had largely revised the first, and the events which form the history of the state and nation were set forth with much less partiality and prejudice than was at first shown. Written by a participant in the public affairs of the state, it is a valuable record of that early period, and in later years has come to be much appreciated. In 1863 the library committee of the Kentucky legislature reported that of the early works of the Kentucky historians no copies were to be found in the library, and urged upon the assembly the necessity of procuring those volumes, "many of which will be more enduring than any monument."

Mr. Marshall was one of those strong, courageous spirits that triumph over all obstacles. It is such men that have laid the foundation for the American republic. He was a man of brilliant talents, a statesman of great moral strength, fearless in defense of the right. He took a very active part in shaping the policy of Kentucky in that formulative period when the state was carving a place for itself that largely foreshadowed its future brilliant destiny. He died near Frankfort, Kentucky, July 1, 1841.

JOHN JAMES MARSHALL was born in Woodford county, Kentucky, on the 4th of August, 1785, a son of Humphrey and Mary Marshall. He had rare advantages for securing an education and won first honors of his class in Princeton College, of New Jersey, where he was graduated in 1806. He then took up the study of law under the direction of his father and after careful preparation for the profession began practice, gaining a high reputation and a liberal patronage. Inheriting from his father a fortune of ample proportions, he nevertheless made for himself a career at the bar that classed him among the distinguished jurists of the state. Like the other members of his family, he too was called to public life by the vote of the people, and for many years served in the general assembly, where his support to wise legislative measures made him a valued member of both the house and senate. He represented Franklin county in the legislature in 1815 and 1816, and in 1820 was elected to the senate for a four-years term. From 1829 until 1833 he was reporter of the court of appeals and published seven volumes of decisions of cases of law and equity. In 1833 he served as elector, and the same year was once more elected representative from his district to the state legislature.

In 1837 he was appointed by Governor James Clark judge of the circuit embracing Louisville, and removed to that city. He continued to occupy that office up to the date of his death.

During the financial crisis which swept over the country in 1837 Mr. Marshall lost his property, this being occasioned by the generous support which he gave to friends in need of financial assistance. The trouble and anxiety which therefore ensued undoubtedly hastened his death, which occurred in Louisville in July, 1846. He was for many years a leading politician in Ken-

tucky, was recognized as a brilliant lawyer and a just and conscientious judge, and left the impress of his powerful mind on the jurisprudence of the state.

On the 14th of June, 1809, Mr. Marshall married Miss Anna Reed Birney, daughter of James Birney, of Danville, and a descendant of John Reed, of Ireland, whose son, Thomas Reed, served in the United States senate from Mississippi. Her brother, James G. Birney, was the first Abolition candidate for president of the United States.

THOMAS A. MARSHALL, LL. D., the second son of Humphrey Marshall, was born in Woodford county, Kentucky, January 15, 1794, and died in Louisville, April 17, 1871, but was buried in Lexington. In 1815 he was graduated at Yale College and began the practice of law in Frankfort, Kentucky. In 1819 he removed to Paris, Kentucky, where he soon won renown by the masterful way in which he handled the legal business entrusted to his care. In 1827 he was elected to represent Bourbon county in the Kentucky house of representatives, and from 1831 until 1835 was a member of congress from the Paris and Maysville district. As a boy he had spent some time in Washington with his father, and one day had climbed to the top of one of the pillars, where, in a childish hand he wrote his name, saying, "I want to see if it will be here when I come to congress." Thirty years afterward he occupied a seat in the council chambers of the nation and in his wise support of certain legislative measures engraved his name far more deeply on the annals of his country than he had on that old pillar in the capitol. In 1835 he removed to Lexington and in that year was raised to the supreme bench of the state, where he remained for twenty-one years. He served from 1835 to 1856 and again for a short time in 1866, and from 1847 to 1851, from 1854 to 1856, and again in 1866 was the chief justice of Kentucky. After his removal to Lexington he was made one of the professors in the Transylvania Law School, where he served from 1836 to 1849. In 1857 he removed to Frankfort and in 1859 took up his residence in Louisville, where his remaining days were passed. His last official act was his service as chief justice of Kentucky in 1866. He gave his time thereafter to his extensive law practice and was the peer of any member of the Kentucky bar.

On the 26th of November, 1816, Judge Marshall was united in marriage to Eliza Price, who was born May 1, 1795, a granddaughter of Colonel Thomas Hart and a niece of Henry Clay. She is said to have been the most lovely woman in Kentucky. While in Louisville the Judge and his wife celebrated the fiftieth anniversary of their wedding. She died November 17, 1875, and was laid to rest by the side of her honored husband. Several of their sons have attained distinction, including Judge Charles Marshall, of Paducah, Kentucky. Judge Thomas Alexander Marshall was a man of fine intellect, of high mental culture, genial disposition and great amiability of character, was exceedingly popular and ranked among the first men of Kentucky. Judge James P. Harbeson said of him: "He was a Christian gentleman, a classical scholar, an erudite jurist, and altogether the greatest and best man I ever knew."

HUMPHREY MARSHALL, son of John James Marshall, and Anna Reed Marshall (*nee* Birney), was born in Frankfort,

Your obed.t Sv.t
Humphrey Marshall

Kentucky, January 13, 1812, and died in Louisville, Kentucky, March 27, 1872. He was one of the most distinguished members of a family celebrated in the history of Virginia and Kentucky, and one of the bravest and most intellectual men Kentucky has produced, prominent as a soldier, a statesman and a jurist. He received a military education at West Point, where he was graduated in June, 1832, and entered the army as second lieutenant. He was at once sent to the west to become a participant in the Black Hawk war, and received from General Winfield Scott honorable mention on account of his gallant conduct in the campaign which followed. Not long afterward he resigned his commission in the army, and the resignation was regretfully accepted by General Cass, then secretary of war, who officially expressed the desire of the government to retain him in the service in any branch that he might prefer; but the country was then at peace and Lieutenant Marshall felt that his life might be more useful if given to civil pursuits. Accordingly he held himself in readiness to aid his country in a military capacity whenever his services should be needed, but turned his attention to the legal profession, where so many of his family had won prominence, studied law, was admitted to the bar in April, 1833, and in November, 1834, joined the legal fraternity of Louisville. His fine legal mind, his careful preparation and his comprehensive grasp of the law in all its intricate workings soon enabled him to command a foremost place in the ranks of the fraternity, and he conducted a successful practice until 1846.

In the meantime General Marshall took a more or less prominent part in public affairs and was elected to the city council in 1836, but soon resigned that office to accept the captaincy of a company of volunteers, raised in response to a call of President Jackson to march to the Sabine to defend the frontier of Louisiana against the approaching Mexican army, under Santa Anna, then over-running Texas, but the battle of San Jacinto settled the fate of the Lone Star state and rendered the march of the volunteers unnecessary, so that the company disbanded. In 1837 General Marshall was a candidate for the state legislature, and though he met defeat it was a defeat that amounted almost to a victory, as his opponent, Hon. S. S. Nicholas, who had just retired from the bench, received only a small majority and won that only after a very heated canvass. This, however, was the initial step of Mr. Marshall into politics. It drew to him the attention of the public and was to be followed by distinctive honors in the future. In his law practice he won an enviable success and became a prominent figure at the Louisville bar, then, as now, noted for its distinguished representatives. He met in the forum such eminent lawyers as James Guthrie, Henry Pirtle, Charles Mynn Thurston and other lawyers of that day, and was recognized as the peer of any of those men in professional attainments. He had built up a large practice and established a reputation as a brilliant and successful advocate, when he again responded to a call to arms and became a participant in the Mexican war.

On the 26th of May, 1846, Mr. Marshall laid aside all personal considerations to enter the service of his country, and on the request of the governor of Kentucky assumed command of the First Kentucky Cavalry as its colonel. He did not hesitate to place himself at the head of his regiment and pro-

ceed to the scene of hostilities, notwithstanding the fact that he was borne down by family affliction at the time, his father having recently died, while his wife was at the time seriously ill. He went to the front and debarking from a Mississippi steamer marched his regiment overland through Arkansas and Texas to Camargo, thence to Saltillo in Mexico. There he was in active service for several months and participated in the battle of Buena Vista, as the ranking colonel of cavalry in the American forces. His charge against Torrejon on the plain near the hacienda of Buena Vista, where, waving his sword, he led his gallant troops, numbering only about three hundred men of the Kentucky and Arkansas cavalry, against five thousand Mexican lancers, the flower of the Mexican army, was one of the thrilling and memorable incidents of the war. Shoulder to shoulder, the Americans bore down upon the Mexicans, sabers against lance in a hand-to-hand fight until the enemy was routed and victory was won for the stars and stripes. It has been well said that this charge of Humphrey Marshall's "deserves to shine on the pages of American history even as the charge of Balaklava throws its splendors over the record of England's soldiery." Colonel Marshall's conduct was warmly commended by his superiors in command, all of whom mentioned him in their official reports. General Zachary Taylor, General Wool, General Lane and all of the field officers held him in warm regard to the end of their lives, and never failed, when occasion offered, to give evidence of their distinguished consideration for him. When the war was ended he was mustered out of service, June 9, 1847, and returned to Louisville.

On again reaching Kentucky, Colonel Marshall was welcomed with every demonstration of affection and admiration by the people of his native state, and he was almost immediately tendered the nomination for state senator. This he declined, and when various county meetings nominated him for governor of the state he published a card declining also that honor.

Notwithstanding the fact that he was content to rest upon his laurels, devoting himself to his profession and enjoying his home life, the people of Louisville were determined to elevate him to public office, and at the first election in 1848 occurring after his return from Mexico he was nominated for congress on the Whig ticket. At the end of a spirited contest he was elected over Dr. Newton Lane; and in 1850 he was re-elected over Governor David Meriwether, the Democratic candidate, by a handsome majority, though the Whig candidate for governor was beaten by two hundred votes in Mr. Marshall's district. His course in congress in support of "the compromise measures of 1850" won him the unfaltering support of his constituency, and in June, 1852, when a vacancy occurred on the bench of the United States supreme court, Kentucky supported him for the position; the Louisville bar, the court of appeals of the state and the Kentucky delegation to congress, all urged his appointment, while several other states also added their recommendation. President Fillmore, however, was controlled by an executive rule long established, whereby the appointment should be made from the district where had lived the incumbent whom death had removed, and accordingly he could not bestow the office on Colonel Marshall. Instead, he offered him the appointment of minister to the five states of Central America, but this was

declined. In August, 1852, he appointed him commissioner to China, with powers plenipotentiary; and congress, though controlled by political opponents, passed an act highly complimentary, which raised the mission to the first class, after Colonel Marshall's appointment was affirmed by the senate. On the 2d of October, 1852, he sailed for England, and while *en route* for China visited France and Italy, Malta and Egypt. He arrived at Canton on the 1st of April, 1853, and at once went to Shanghai, where he discharged his duties as American minister until 1854. In this position he evidenced great diplomatic skill in conducting negotiations between the United States and China, and rendered important service to his country. He was also the first to carry a foreign flag into the interior of the Chinese empire. His correspondence with the secretary of state was published by act of congress, and forms a volume of valuable state papers on eastern questions which have served as a guide for American ministers in statecraft and as a lucid exposition of rules for the proper conduct of diplomatic service and the principles of law governing treaty provisions. The entire publication was at once exhausted.

After his return to his native land Colonel Marshall was once more elected to represent the Louisville district in congress in 1855, after the memorable race in which occurred "bloody Monday," defeating the Democratic candidate, General William Preston, by a very large majority. The political issue of that year concerned the Know-Nothing party, and the campaign was one of much excitement; but the election returns showed that Colonel Marshall had received a majority of more than twenty-five hundred. In 1856 he served as a member of the American National Council in New York. In 1857 he was once more elected to congress by a large majority, and in 1859 was nominated by acclamation, but at that time the Whig principles, as shown forth in the party platform, did not coincide with his views on political questions and he declined the nomination.

It was also his earnest desire to turn his attention to the practice of law, and he entered into partnership with James Cooper, formerly United States senator from Pennsylvania, their practice being in the supreme court, the court of claims and the departments of Washington city. Thus Mr. Marshall occupied his time until 1860, when he entered actively into the canvass of Kentucky in support of John C. Breckenridge for the presidency. After the election he returned to Washington, remaining there to give attention to his personal and professional affairs until after the inauguration of the first Republican president, Abraham Lincoln.

About the middle of March, 1861, Colonel Marshall returned to Kentucky and threw the whole weight of his influence into the effort to save the Union through the border-slave-state convention movement. He favored the armed neutrality of Kentucky and held himself all the time in readiness to take such position personally as the state of Kentucky, through her authorized representatives, might decide to take concerning the great questions then at issue between the northern and southern states. The means by which the federal troops occupied Kentucky is a matter of history. During this troublous period Colonel Marshall remained quietly on his farm, taking no action which could reasonably be construed as hostile to the government. He was

a southern man, however, by birth and education, and all his sympathies were with the people of that section of the country. Knowing this, and realizing how potent would be his services if used in behalf of the Confederacy, the federal authorities planned a *coup d'etat* and set on foot a movement for his arrest. Learning of this plan, Colonel Marshall left his home and evaded the officers by going to New Liberty, in Owen county, Kentucky. There he went to the home of a friend, Colonel Wake Holman, later an officer in the federal army, and from that point he addressed a letter to General W. T. Sherman, then stationed at Louisville, Kentucky, making inquiry concerning the policy of the federal officials and their arrest of prominent Kentuckians who had been guilty of no acts of hostility against the general government. In response to this came a letter from General Sherman couched in language which gave him to understand that the latter did not know what the attitude of the government was toward him, or what kind of treatment he might expect from its representatives.

Immediately afterward Colonel Marshall withdrew from Kentucky, and going to Nashville, Tennessee, was invited by President Davis to visit him at Richmond, which he did, and was there offered a commission as brigadier general in the Confederate army, with an independent department, which he accepted as a means best calculated to enable him to protect his own liberty and regain his home. He was at once assigned to the command of a separate army known as the Army of Southwestern Virginia and Eastern Kentucky. With this force it was designed to enter Kentucky through her eastern mountain passes, but the surrender of Fort Donelson precluded the movement. He met the Union troops under command of General James A. Garfield at the forks of Middle creek, in Floyd county, Kentucky, in January, 1862, and an engagement followed; but few men were lost on either side and both commanders claimed the victory. General Garfield with his troops left the county, but General Marshall remained in that neighborhood until March, and commanded the entire eastern Kentucky country until he left the army in June, 1863. General Marshall at that time only had about 1,300 men in his command, while General Garfield had 5,000 men subject to his orders. During the winter of 1862 his army endured many hardships. For days at a time they were forced to live on parched corn, the mills in that mountain region being so widely scattered and their grinding capacity so exceedingly limited that it was very difficult to secure breadstuff of any kind.

In May, 1862, General Marshall, with a vastly inferior force, numerically speaking, surprised Major-General Cox at Princeton, Virginia, and by his skillful maneuvering not only managed to protect the Lynchburg & Knoxville railroad, the iron works and salt works, which were of the utmost importance to the Confederacy, but after a decisive battle also drove the Union troops from southwestern Virginia. He was recognized as one of the ablest of the Confederate commanders, and continued in active service at the front until the summer of 1863, when he resigned his commission and retired to private life.

In June, 1863, General Marshall located in Richmond, Virginia, in the practice of law, but the people of Kentucky presented his name and he was chosen to the second congress of the Confederate states, and was

made a member of its committee on military affairs. He was re-elected, and was serving in that congress at the time of the fall of the Confederacy. Going then to Texas, he remained in the Brazos valley in that state until November, when he secured permission to go to New Orleans, and in that city practiced law until the summer of 1867. In December, 1865, President Johnson granted him permission to visit his family in Kentucky, and invited him to Washington. After once more reaching his native state he was unconditionally pardoned by the president, while congress restored all his civic powers. He turned his attention to his profession and soon secured a lucrative patronage.

In 1870 he was induced by friends to become again a candidate for congress, but the trickery of modern political methods so disgusted his honorable, straightforward nature that he withdrew from the race. His clientage was large, and his employments embraced much of the most difficult and important litigation in the higher courts, both state and federal, where he had no superiors and but few peers. He continued in the active and successful practice of law until his life labors were ended.

He was regarded by all who knew him as one of the ablest, if not the most able, of all the members of the bar of Kentucky, so celebrated for the many illustrious jurists it has produced, and ranked among the leaders of the bar in the supreme court of the United States, where his great-uncle, John Marshall, of Virginia, had presided as chief justice with distinguished ability for so many years. His intellect was of such rare breadth, grasp and power that he was enabled to traverse the varied fields of learning with the ease and grace of a master, commanding the subjects as instruments of his will in the enforcement of his ideas. He was an accomplished soldier, ready, quick, resourceful and dauntless, with an experience of three wars, in each of which he served with distinction. He was a statesman of comprehensive research and broad, enlightened and progressive views. He was an orator of commanding grace and eloquence, and skillfully exercised his power to direct the actions of men by convincing their reason rather than exciting their passions. He was a logician and a subtle, astute and profound lawyer. General Marshall held many places of distinction and conferred honor upon them all. He was a delightful companion, and the most agreeable and instructive of conversationalists. He was gentle, generous, benevolent, humane, easy of access and kind to all, particularly to the young. The state of Kentucky has never had a son of whom she could feel more justly proud.

In January, 1833, General Marshall married Miss Frances Elizabeth MacAlister, the daughter of Dr. Charles MacAlister, of Franklin, Tennessee, a lady of great beauty, wealth and social distinction. Their family numbered nine children, three of whom died in infancy, while the others attained to mature years. The most distinguished among these was Colonel John James Marshall, of the cavalry service in the Confederate army, who lost his life in February, 1865 (then only twenty-five years of age), while protecting paroled federal soldiers (then passing through the mountains of southwestern Virginia on their way to Kentucky) from being robbed by highwaymen who claimed to belong to the Confederate army but were in fact mere bandits; and the youngest son, Judge Humphrey Marshall, of the

Louisville bar, and Mrs. Nelly Marshall McAfee, whose fame as a brilliant author ranks her with the foremost writers of the south, both as novelist and poet.

Beloved by the people among whom he lived for so many years, and whom he served with such fidelity, zeal and distinction in public life, General Marshall is remembered as one of the most illustrious and greatest men to whom the grand old commonwealth of Kentucky has given birth.

HUMPHREY MARSHALL, of Louisville, Kentucky, son of General Humphrey Marshall and Frances E., *nee* MacAlister, was born in Henry county, Kentucky, April 10, 1848. Descended from an illustrious family that has furnished many notable members to the bar, and to the legislative departments of state and nation,—gifted and talented men whose fame has been known throughout the length and breadth of the land,—he has for twenty-seven years honored the name of his distinguished ancestry by his brilliant career in the courts of Kentucky. His family has long ranked with the greatest in the land: its eminence due to true nobility of character and the chivalrous defense of whatever was believed to be right, as well as the superiority of mental powers manifest by its representatives. They have devoted their talents to those professions calling for the broadest culture of mind and the strongest intellects. The name of Marshall stands forth on the pages of history with a brilliance that is unsurpassed, and that time cannot dim.

Judge Humphrey Marshall was educated in his own home by private tutors, acquiring knowledge with ease and rapidity, his most retentive memory impressing indelibly on his mind all that he mastered. He pursued his studies with unremitting industry, making marked progress in everything calling for active mental energy. Inspired by the noble example of his father, his grandfather and his great-grandfather, he set up for himself high ideals and eagerly embraced every opportunity for raising himself to their level.

In 1862, when only fourteen and a half years of age, he was forced by the home guards to leave home, and three days afterward was one of sixteen boys who charged a body of some three hundred home-guards. In this engagement his horse was killed under him and he was seriously wounded, but all the heroism and loyality of his nature were aroused, and notwithstanding his wound he marched to Virginia, where he entered the Confederate service as a member of the noted Fourth Kentucky Cavalry, under his father's command, and remained at the front in active service until the cessation of hostilities. He was with the cavalry forces in Kentucky and Tennessee under the command of Generals Morgan, Crosby, Marshall, Preston, Breckenridge, Echols and others, and surrendered at Milliken's, Texas, in July, 1865, after having marched overland from Atlanta, Georgia, in compliance with orders from the war Department assigning him to the Trans-Mississippi Department. A boy in years, he nevertheless distinguished for his dauntless spirit and his imperturbable coolness in battle. He was honorably mentioned in official reports of his commanders for meritorious conduct on the field of battle, and for distinguished services, and was promoted to the rank of lieutenant.

Returning to Kentucky, Mr. Marshall began farming in Henry county and continued in that occupation until the fall of 1868,

when he entered the Louisville Law School. Such were his powers of application and mental concentration that in one year he completed the work of two; after which he successfully passed the required examinations and was admitted to the bar in April, 1869. Locating in Louisville, he has since been engaged in the practice of his profession, for which he is eminently fitted because of his profound research and his thorough appreciation of the immutable principles of justice and morality which underlie the science of law. The extent and accuracy of his knowledge, his sound judgment, his practical good sense and his keen sagacity give him a conspicuous place in the ranks of the legal fraternity, and every year adds to his honorable, useful and noble influence among his fellow citizens. He has a large clientage, and his practice mostly embraces civil cases, including some of the most important litigation that has been heard in the higher courts of the state.

In 1871 was celebrated the marriage of Mr. Marshall and Miss Clara Crutchfield, a daughter of Major Edward Crutchfield, of Louisville, a gallant soldier of the Confederate army, an honored citizen in times of peace,—a man who was considered priceless as a friend, peerless as a gentleman and fearless as a foe. Mrs. Marshall died in 1876, but the memory of her gracious Christian character is still an influence in the lives of all who knew her. Of the two children of that marriage, one died in infancy. In 1878 Mr. Marshall married Miss Virginia Crutchfield, a sister of his former wife. They had ten children, nine of whom are now living. Mrs. Marshall presides with charming grace and dignity over their hospitable home, which is the center of a cultured social circle. The family of intelligent children, with exalted ambitions and noble aspirations, give promise of adding new luster to the honored family name.

Upon attaining his majority Mr. Marshall gave his support to the Democratic party, but took no real interest in politics, and frequently did not even go to the polls to cast a vote, but when he addressed himself to the study of political issues, with the view of determining for himself what would bring the greatest good to his country, he formally affiliated himself with the Republican party, and fearlessly advocated its principles; but above all forms, and all parties, he prides himself upon his American citizenship. He has never held public office nor has he desired political preferment, but is now (1896) prominently spoken of for judge of the criminal division of the circuit court of Jefferson county,—a place filled with great distinction by his grandfather, John J. Marshall. It is a position for which Humphrey Marshall is eminently fitted because of his high mental culture, his strong, common sense, his genial disposition and his amiability of character.

Mr. Marshall is a valued and worthy member of the Masonic fraternity, of the Senior and Junior Order United American Mechanics, American Protective Association, and governs his life by the noble principles and lofty teachings which form the basic elements of those organizations. He is a communicant in the Protestant Episcopal church, and although not a devout churchman he manifests in his daily conduct the underlying truths of religion as set forth by the Great Teacher. Even as a lad he displayed great benevolence of heart and the gentlest sympathy. A tale of sorrow, distress or want has ever aroused in him a chivalrous desire to champion the cause

of the weak, and his charity and benevolence are well known in Louisville, yet no trace of ostentation or display mars his generosity. He possesses a nature that upholds the true and the good; that despises injustice and oppression and that prompts him to defend injured innocence; to tender his services to honest poverty without thought of reward; and thus he lives a life of virtuous nobility, thereby winning the highest esteem of the public. Mr. Marshall is yet a young man, and having lived well the past years of his life, the future doubtless holds in store for him a career that will but add honor to his already honored name, and prove his usefulness to the country.

ALEXANDER KEITH MARSHALL was born at Oakhill, Fauquier county, Virginia, in 1770, and died at his home, "Walnut Grove," in Mason county, Kentucky, February 7, 1825. His parents were Colonel Thomas and Fanny (Keith) Marshall. The former commanded a regiment of Virginia troops during the Revolutionary war and was a neighbor and friend of General George Washington. After the war he was appointed surveyor-general of the lands in Kentucky appropriated by Virginia to the officers and soldiers of the Virginia state line. He made one trip to this state and in 1785 brought his family, sailing down the Ohio river to what is now Maysville.

Alexander K. Marshall was one of fifteen children and a brother of Chief Justice John Marshall, of the United States supreme court, also a cousin of Humphrey Marshall, statesman and historian. His education was acquired at home under the instruction of private tutors. He accompanied his father to Kentucky in 1785, and was married in Danville October 10, 1794, to Mary McDowell, who died January 27, 1822. On the 3d of November, 1823, he wedded Mrs. Eliza A. Ball, *nee* Lewis, who died in July, 1829.

On his first marriage Mr. Marshall located in Mason county, on the farm now known as Walnut Grove, where he erected the quaint brick house that still stands and is in possession of his posterity. The locust and walnut groves which he cherished have almost disappeared, but the old-fashioned building with its high stone steps, double doors and round front windows and antique carvings still stands, and will, probably for generations to come, resist the encroachments of time. Mr. Marshall was possessed of a large and valuable estate, and his practice of law was rather for the excitement and employment it afforded than for the income derived therefrom. He, however, won a reputation as one of the most eminent jurists of his day, and was one of the most chaste and fluent speakers of the time. His business was chiefly in the court of appeals, of which he also served as clerk for some years. In 1797 he was elected to represent Mason county in the state legislature and there served for four successive years. In 1818 he was appointed state reporter for the court of appeals and edited three volumes of decisions. One of Kentucky's pioneer lawyers, his brilliant work at the bar engraved his name deeply on the record of judicial proceedings of the state.

THOMAS F. MARSHALL was born in Frankfort, Kentucky, June 7, 1801, and died near Versailles, September 22, 1864. His father was Dr. Lewis Marshall, a brother of Chief Justice Marshall, of the United

States supreme court. He was educated largely by his parents and completed his literary studies under the supervision of a relative, James Marshall, in Virginia. He studied law with John J. Crittenden, represented Woodford county in the legislature in 1832 and located in Louisville in 1833. He was elected to the legislature for the term of 1835–6 and was defeated in his aspiration to represent the Louisville district in congress by William J. Graves.

Returning to Woodford county, which continued thenceforth to be his home, he represented the county in the legislature in 1838–1839 and 1851–1852, while for one term, 1841–1843, he was the representative of the Ashland district in congress. His contest in 1845 with Garrett Davis for a seat in congress is a memorable one in the annals of politics in Kentucky. He was a Whig for a time, but had a disagreement with Henry Clay, taking issue with him concerning the United States Bank charter, the bankrupt bill, and the Texas annexation question. He served one year as a captain of a cavalry company in the war with Mexico and offered as a candidate for the constitutional convention of 1849, but was defeated. He canvassed the state for James K. Polk in opposition to Clay, and advocated Gen. Winfield Scott's claims to the presidency in 1852. He gained an unenviable notoriety as a duelist, having met in such combat Hon. John Rowan, Col. James Watson Webb, and General James S. Jackson.

In various cities he delivered a series of lectures on historic subjects that evidenced great ability as a scholar, showing extended research and affording ample scope for the play of those powers of oratory for which he was noted. One of his most finished orations was a tribute to the memory of the Hon. Richard H. Menefee, fittingly described as "a tribute of brilliant, but erratic genius to genius still more brilliant, but self-poised and commanding." His was a genius without stability or moral rectitude. He achieved fame as an orator, but left no impress upon the period of his life of special benefit to his race or of service to his state or country.

EDWARD COLSTON MARSHALL, a brother of Thomas F., was born June 15, 1821, near Versailles, Kentucky, was also a lawyer of distinction, with all the native ability of the Marshall family and but few, if any, of their failings. He was a thoroughly educated man, was graduated in law at Transylvania University and entered on the practice at Versailles. He later practiced for a time in Baltimore and Cincinnati and on the declaration of war with Mexico entered the service and was in many of the engagements from Vera Cruz to the city of Mexico. He returned to Cincinnati, but soon after went to California, where he engaged actively in his profession, and in 1851 was elected to congress, the first representative from that state. He later returned to Versailles, Kentucky, where he made his home, but divided his time between California and his native state. He served California as attorney general and secured and retained the confidence and esteem of the people. A man of strong convictions, unsurpassed oratorical power, a thoroughly read lawyer, he was a leader among men.

CHARLES A. MARSHALL, another of the Marshall family, son of Thomas, the second son of Colonel Thomas Marshall, was educated by his uncle, Dr. Lewis

Marshall, and spent his life principally upon his farm in Mason county. He served in the state legislature in 1840, 1855 and 1859. In 1861 he raised and commanded the Sixteenth Kentucky Regiment for the United States service and was a strong Union man throughout the war. He was an exemplary citizen, distinguished for his Christian-like piety, his marked bravery and absolute integrity of character.

MARTIN MARSHALL, born in Virginia in 1778, was a son of William Marshall, who was a brother of Colonel Thomas Marshall and uncle of Chief Justice Marshall. William Marshall was a distinguished Baptist preacher, prominent in establishing that church in Kentucky.

Martin Marshall spent some years in Mason county, and in 1800 settled at Augusta, Bracken county, in the practice of law. He refused to hold office, and devoted himself exclusively to the practice. He was of studious habits, a good speaker, but not an orator, with a well-disciplined mind, broadened by a reading of general literature. He is justly regarded as one of the most eminent lawyers of the name in the state.

His son, Thornton Francis Marshall, born July 4, 1819, entered the legal profession in 1842, was elected county attorney for Bracken county in 1851 and re-elected in 1855. He served in the Kentucky state senate in 1858, was a delegate to the Chicago convention of 1864, and, like his father, was justly regarded as a pure and conscientious lawyer.

PETER B. MUIR, of Louisville, was born in Nelson county, Kentucky, on the 19th of October, 1822. On his father's side Judge Muir descends from sturdy Scotch stock, his grandfather being Dr. William Muir, a native of Scotland and a graduate of Edinburg College. He came to America, locating first in Maryland and removed shortly thereafter to Nelson county, Kentucky, where he resided and continued in the practice of his profession until 1838, when he died, at the age of eighty-four years. He was a man of fine attainments and much beloved in his county. His son, Jasper Muir, was born in Maryland, and came with his father to Nelson county, Kentucky, where he engaged in farming. At an early age he married Isabella Brown, daughter of Peter Brown, also a Marylander who came to Nelson county early in the century and engaged in farming on a very extensive scale. Isabella Muir survived her husband, Jasper Muir, only three years, he having died in 1830 and she in 1833.

Their son, Peter B. Muir, was thus left an orphan at an early age, and forced to begin life's battle for himself. His early education was such as could be procured in the country schools of Nelson county, but chiefly was he indebted to the care and supervision of his paternal grandfather, Dr. William Muir, for the advantages he had in youth. The struggle was often a hard one but the courageous spirit of the young man enabled him to triumph over difficulties and he finally accumulated sufficient means wherewith to pay his tuition during a two-years course in Hanover College. He returned home with an ambition to become a member of the legal profession and took up the study of law, reading alone, through the hours usually called "leisure." When he had saved from his earnings the sum of one hundred dollars he invested in law books, purchasing the library of Judge J. D. Nourse, of Bardstown.

Very Cordially.
P. B. Muir

Soon after commencing his legal studies he was united in marriage to Miss Sophronia Rizer, of Bardstown, a lady of great beauty of character, who, sharing in the hopes and aspirations of her yonng husband, assisted him in his law studies and in other ways. At the end of three months after their marriage he was enabled to secure a license to practice and entered upon his career at the bar, establishing an office in Bardstown in in 1846; only a short time had passed before he had won a large clientage. His sterling character for honesty, sobriety and faithful application to duty, as well as his legal ability, recommended him to his fellow citizens, and he was twice elected and served as county attorney of his native county. Subsequently he entered into partnership with the Hon. Thomas W. Riley, one of the most eminent jurists of that section of the state, and so extensive became their business that they determined to remove to Louisville,—a resolution which was effected in January, 1852.

His official service has been largely in the line of his profession, yet he was for several years a member of the general council of Louisville, and in 1857 was elected to the state legislature. In 1857 he was elected circuit judge, resigning his seat in the legislature after only three weeks' service in order to occupy the bench. He was re-elected to the office of circuit judge, but resigned before the expiration of his last term to accept the office of judge of the court of common pleas for Jefferson county, on the establishment of that court. After four years' service in that capacity he again resigned and resumed the practice of law, entering at once upon an extensive business. For a few years he was in partnership with the late Martin Bijur and by the admission of George M. Davie to an interest in the business the firm became Muir, Bijur & Davie. After the death of Mr. Bijur, Mr. Muir practiced alone until 1881, when the firm of Muir & Heyman was formed, and thus continued until 1889, when his son, Upton W. Muir, became his associate in the practice. The firm is now P. B. & Upton W. Muir, and the reputation which they sustain has brought them a very large and most distinctively representative clientage.

Mr. Muir has been connected with many of the most important cases litigated in the state for more than forty years, and it is but justice to say he stands in the front ranks of the legal profession. Among other cases of note with which he has been connected are the following: the Knights of Honor cases, the great trade-mark case of Avery versus Mickelz, the Preston will case, the Pullman car cases, the Commonwealth versus Crittenden, the Commonwealth versus Snapp, the Commonwealth versus Rhoris, the Short Line Railroad cases, the Daviess county bond case and many other of the most exciting and important cases, civil and criminal, which have come before the courts of Kentucky, federal and state.

Judge Muir has found time in his busy life to give of his talent to the education of young men for the bar, and from time to time has occupied an important chair in the law department of the University of Louisville. Many a rising young lawyer has kindly recollections of him as friend and teacher. His cheerful mien and good advice have been a helpful and grateful remembrance of their college days.

As a judge he had the respect of the bar and of the people. Upright and impartial always, he voluntarily resigned the ermine to become again a practitioner, finding in

the latter walk a more congenial and more profitable occupation. He has ever held a foremost place at the bar, where his indomitable energy, his legal acumen and his perseverance, coupled with his high sense of honor, his well known integrity and his faithfulness to his client's interests, have endeared him to his brother lawyers and his fellow citizens. He is withal genial and courteous, ever ready to help the young lawyer over the rough places, and with an open hand to assist the needy. A consistent member of the Presbyterian church, his high moral sense founded on this belief has governed every action of his life.

Mrs. Sophronia Muir died in 1885, leaving seven children: Belle, wife of Harry Weissinger, a tobacco manufacturer of Louisville; Thomas R.; Sidney S.; Upton W.; Lillian, wife of A. L. Semple, of Louisville; Nellie, wife of A. H. Smith, of Springfield, Illinois; and Sophronia.

Upton W. Muir, born December 20, 1863, son of the foregoing, was educated with great care and was graduated at the University of Virginia in the class of 1886, with the degree of Master of Arts and the debater's prize. He was also graduated in the law department of the same institution in 1887, with the degree of LL. B. He entered on his professional career in Louisville in 1889 and became associated with his father in practice. His is a clear legal mind, well cultivated; he brings to his business thorough knowledge of the law with those habits of industry, perseverance and integrity that have so prominently marked the successful career of his father. He was married in 1888 to Miss Hebe Harrison, daughter of Hon. Julian Harrison, of Elk Hill, on the James river in Virginia, a member of the Harrison family so prominent in the history of Virginia and the United States.

ISAAC CALDWELL, of Louisville, was born near Columbia, Adair county, Kentucky, January 30, 1824, and died at his country home near Louisville, in the sixty-third year of his age. He rose from a humble station and carved his name indelibly on the history of jurisprudence in Kentucky. The successful men of America have usually been those who have planned their own advancement and have accomplished it, in spite of many obstacles, through their own efforts. Of this class Mr. Caldwell was a worthy representative. Not every practitioner of the law grasps the spirit of our institutions. Numbers who bear the name of lawyer are content to become expert in the technicalities of legal lore, to have concern for the financial returns which it brings them and forget the weightier matters of the law, its essential principles. Those larger minds which pierce through the statutory mazes and grasp, in the midst of bewildering details, the great outlines and comprehend them through the spirit of law—that spirit which is the life principles of our organic instruments—are the minds of great jurists; and a fitting illustration of such a mental phase was found in Mr. Caldwell, who for many years practiced before the courts of Louisville, the state and the nation.

The blood of Scotch-Irish and French Huguenot ancestors mingled in his veins. His parents, William and Ann (Trabue) Caldwell, were children of Revolutionary fathers, and were pioneers of Kentucky. William Caldwell was appointed clerk of the county and circuit courts of Adair county and continued his connection with these of-

fices for over forty years, holding the esteem and confidence of the people as a trusted and worthy public servant.

Isaac Caldwell acquired his elementary education in the schools of his native place and in the clerk's office under his father's immediate supervision. He matriculated in Georgetown College and was a student in that institution until 1844, when he returned to Columbia, Kentucky, and studied law under the direction of Judge Zachariah Wheat, afterward a member of the court of appeals; in 1846 he was admitted to the bar, became a partner of his former preceptor and continued to practice law with him until 1851, when he entered into partnership with Colonel George Alfred Caldwell, an elder brother, also a native of Adair county, a man of brilliant intellect and strong character. He had at the age of twenty-four represented his county in the state legislature. In 1843–5 he was representative in congress; took part in the discussion leading up to the war with Mexico, and on the expiration of his term he entered the army, rendering efficient service as the colonel of a regiment.

Returning to Columbia, he was again elected to congress, serving for the term 1849–51. In partnership with his brother, he removed to Louisville, where he remained until his death, September 17, 1866. He was a most able and successful practitioner, eloquent in the defense of his client's interests, and was a participant in most of the important litigations in the Louisville courts from 1851 to 1866, attaining the first place in the bar of the state as its acknowledged head.

In the life-time of his brother, the great ability and acknowledged leadership of George Alfred; and the modesty and brotherly love, almost reverence, which Isaac, the younger, ever evinced toward him, was such that Isaac hid his own merit and belittled his own qualifications in comparison with those of his idol; and never, at any time throughout his life, would Isaac Caldwell consent to a comparison of himself with his beloved and adored elder except to his own disparagement.

The two brothers met with an abundant success in the metropolis of their state, and on the sudden death of George Alfred Caldwell, Isaac found himself in possession of a large and varied business, embracing cases in all of the courts, state and federal.

Isaac Caldwell was an untiring and indefatigable worker, conducting cases involving large interests and intricate complications, and at the same time engaging in criminal practice where the life or liberty of clients was at stake. In the latter class of cases few attorneys were more effective or labored more assiduously in defense of their clients. He threw himself, with all the earnestness and enthusiasm of his nature, into the case at hand, and for the time knew nothing except his duty to his client whose cause he made his own. Impassioned eloquence, indignant invective, cogent reasoning, together with searching analysis of all the springs which control the human mind in its judgment of the motives of a fellow man, were all brought to bear upon the jury and rarely without effect. He was a great lawyer, not only by the qualities of intellect, but also by that more practical test,—the success which attended his efforts. His ability was not confined to one line of judicial practice: he seemed equally successful in all departments of law and won an enviable reputation in practice before the Kentucky court of appeals and the United States supreme court,

In 1870 he took a prominent part in the contest before the legislature in the matter involving the Cincinnati & Southern Railroad. In the same year he engaged as attorney for the state in the discussion of the civil rights bill and conducted some of the most important cases involving the enforcement and interpretation of the same before the supreme court of the United States.

Without the desire for fame and with no ambition for office, he achieved the one and had the other frequently tendered to him. In 1875 he was urged to become a candidate before the legislature for United States senator, but declined to permit his friends to urge his election. In 1876 he was elector at large for Kentucky in the interest of Samuel J. Tilden for president and took an active interest in the contest, as he always did in all matters that enlisted his sympathy and support. He was for years president of the University of Louisville and gave much of his time to further the interest of that institution. His memory is cherished by the bar of Louisville, with which he was connected for a period of over thirty-six years, and of which, at his death in 1887, he was the acknowledged leader. His amiability, generosity and courtesy were equal to his legal attainments, and his death, at sixty-three years of age, came all too soon.

He was married on the 20th of January, 1857, to Miss Catherine Smith, daughter of Daniel and Hettie (Palmer) Smith. She was a most accomplished lady and the home life of Mr. and Mrs. Caldwell was an ideal one. Mrs. Caldwell died several years previous to her husband's demise. Few members of the bar of Louisville have left a more enduring impression, both for legal ability of high order and the individuality of personal character which impresses itself upon the community, than Isaac Caldwell. His legal acumen was masterful, his integrity unassailable, his honor irreproachable.

ISAAC PALMER CALDWELL, of Louisville, one of the younger members of the bar already known to fame, and the sole representative of the well-known and honored name of Caldwell at the bar of Louisville, is entitled to a place in this chronicle of the legal fraternity of the state.

Mr. Caldwell is the only son of Isaac Caldwell, the greatest lawyer of his day at the Louisville bar, who has followed in the footsteps of his illustrious father, giving his talents to the law. He is the eldest child of Isaac Caldwell and Kate (Smith) Caldwell, the latter a daughter of Daniel Smith, an English Catholic, who emigrated from the east shore of Maryland to Kentucky at an early day. Born December 11, 1857, in the city of Louisville, he is one of the native sons of the place, and has seen it grow from a small village to one of the great centers of population and wealth of the country. His birthplace, on the corner of Sixth and Chestnut streets, now the vortex of business life, was then known as Jacob's Woods.

Reared in an atmosphere of intellectual culture and of wealth, Mr. Caldwell has had every advantage of education, and after instruction by private tutors he attended Seton Hall College, at South Orange, New Jersey, a Catholic academy under the presidency of Archbishop Corrigan. He graduated with the highest honors of his class, in 1876, delivering the valedictory and receiving the degree of Bachelor of Arts, and later that of Master of Arts was conferred upon him. He studied law under the preceptorship of his

father, and at the law department of the University of Louisville, of which he is a graduate, being the valedictorian of his class there also. He entered upon the practice of law in Louisville in 1883.

On the 11th of December of the same year he was united in marriage to Miss Jane Donald Robertson Jacob, daughter of Hon. Charles D. Jacob, four times the mayor of Louisville and minister for the United States government to the United States of Colombia in 1885. Mrs. Caldwell is connected with the oldest families of the state, —the Tylers and the Taylors, of which latter President Zachary Taylor came,—and over whose remains on the old Taylor place, near Louisville, a monument was erected at the dedication of which Charles D. Jacob, her father, was selected as the representative of the Taylor family to make an oration.

Following his marriage Mr. Caldwell was, in 1884, elected to represent a district in the Kentucky legislature, his opponent being Henry Clay, a brilliant young lawyer and a grandson of the "Great Commoner." In the session following his election he was on the committee on banks and railroads, and was instrumental in securing the passage of an act increasing the exemptions to mechanics and laborers, placing them upon an equal footing with farmers and other householders.

It was his privilege and pleasure to place in nomination for the office of United States senator, John S. Williams, who was seeking a re-election to that high trust, and was opposed by Hon. J. C. S. Blackburn. The contest was most exciting and bitter.

Mr. Caldwell declined a re-election and has since held no political office. For several years he was interested in the building of Middlesboro and engaged in the practice there, but about 1887 returned to Louisville and as attorney for the Mutual Life Insurance Company of Kentucky, which office he still holds, has been wholly devoted to his profession. He enjoys a liberal patronage and is noted for his skill in debate, for his ability as an orator and his aptness in examination of witnesses; is quick at repartee, sarcastic when sarcasm is needed, and has inherited the tact, the courteous manner and the kindly nature of his father.

Mr. Caldwell was reared in the Catholic church, while Mrs. Caldwell is a member of and attendant at Christ Church Cathedral of the Protestant Episcopal church.

THEODORE L. BURNETT, of Louisville, for eighteen years corporation counsel of the city, was born November 14, 1829, in Spencer county, Kentucky. The ancestry of the Barnett family can be traced back to 1688, when Gilbert Burnet accompanied William of Orange to England as chaplain and became bishop of Salisbury in 1689. A son of Gilbert, William by name, came to America in 1720 and was governor of the colonies of New York and New Jersey and later colonial governor of Massachusetts and New Hampshire. Another son of Bishop Gilbert was Dr. Thomas Burnett. George Burnett, son of Dr. Thomas Burnett, emigrated to Virginia in 1721 and from this branch of the family has descended the immediate ancestry of Theodore L. Burnett.

His parents died when he was a youth, but under the wise care of a guardian he was liberally and thoroughly educated, graduating at Transylvania University and later in the law department of the same in-

stitution, in 1846. He was licensed to practice by the court of appeals, but joined the volunteers for service in the Mexican war. Returning to Kentucky in 1847, he was elected county attorney for Spencer county and also entered upon a successful career as a practitioner, continuing there until 1861, when he joined the Confederate forces. He was elected to represent a district of Kentucky in the Confederate congress and on the expiration of that term was re-elected, continuing in the military services up to the close of hostilities; he then returned to his old home in Spencer county and resumed practice.

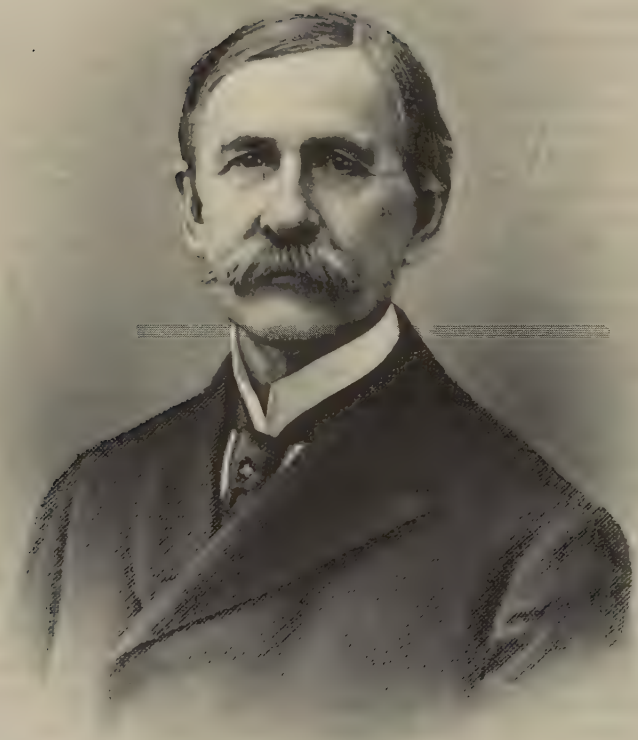
In 1864 Mr. Burnett removed to Louisville, Kentucky, in 1870 became corporation counsel of the city and has been re-elected six times.

Mr. Burnett has a high appreciation of the dignity of the legal calling, and by his personal bearing has added luster to the legal records of the state. In the discharge of his duties as the representative of the city he is courteous, kind and attentive, with a masterful command of all the resources of the well-equipped lawyer and advocate, wise in counsel and vigorous in the active conduct of his cases. He was chairman of the state Democratic committee in 1876, and successfully conducted the campaign in Kentucky. Mr. Burnett was married in 1852 to Miss Elizabeth S. Gilbert, of Spencer county. Their son, John C. Burnett, is also a worthy member of the Louisville bar.

HENRY CLAY PINDELL, of Louisville, born in 1823, is descended from Dr. Richard Pindell, an early settler in Lexington. His father was Thomas Pindell, a banker of Lexington. The son was educated in Transylvania University, read law under the direction of Judge George Robertson and was graduated in the law department of Transylvania. He began the practice in Lexington, and later resided for a short time at Chicago, after which he settled in Louisville, where he retained his residence until his death, March 8, 1882. He was a representative from Fayette county to the Kentucky legislature in 1849,—the only political office he ever held. In Louisville he was the associate for seven years of W. S. Bodley in the practice of law. He was attorney for several railroads and his clientage was of an important character.

Mr. Pindell was also active in other lines of business, being the cashier of the Northern Bank of Kentucky for seven years, and for some time of the Falls City Tobacco Bank. He spent two years abroad, and in 1871 returned to his profession and to the management of the enterprises in which he was a leading factor.

RUSSEL HOUSTON, one of the eminent practitioners of Kentucky, was born in Williamson county, Tennessee, January 20, 1810, and died in Louisville October 1, 1895. The family of which he was a representative removed from South Carolina to Tennessee in 1795. Russell Houston was educated in Georgetown College, Kentucky, studied law under the direction of James Clark, in Nashville, Tennessee, and entered on the practice in 1835, at Columbia, Tennessee. He took an active part in the Indian war in Florida, and after returning therefrom in 1847, settled in Nashville, where he was associated in the active practice with Colonel Cahal, Judge A. O. P. Nicholson, Judge Nathaniel Baxter and Neil S. Brown,



all distinguished members of that bar. He was without political ambition and filled but one office, that of representative in the Tennessee legislature in 1851–2.

Mr. Houston took an active interest in the developments of his native state and in the building of the Louisville & Nashville Railroad, was one of the first directors of the company in Tennessee and was thenceforth continuously connected with the corporation. In 1864 he removed to Louisville and filled the office of vice-president of the road until the death of Hon. James Guthrie, when he became president. In the establishment of the law department as a separate branch of the railroad service, he was tendered and accepted the position of chief counsel, which he held until his death.

Mr. Houston was singularly vigorous in mind and body, was a close observer of men and possessed a retentive memory and a genial temperament. He was a Unionist throughout the war and a stanch friend of Andrew Johnson in the administration of the affairs of his native state in the re-adjustment during the war. By the appointment of Mr. Johnson while governor of Tennessee, Mr. Houston filled a place on the bench of the supreme court of that state for a time, helping to bring order out of chaos. He refused to accept any salary for the time he served, his labors being freely given for the good of the commonwealth. He held a commanding position at the bar and had the respect and confidence of the people.

HORATIO WASHINGTON BRUCE, of Louisville, was born on the 22d of February, 1830, on the Ohio river about one mile below Vanceburg, in Lewis county, Kentucky. His parents were Alexander and Amanda (Bragg) Bruce, both born in Kentucky, of Virginia parents, and representatives of old families of that state. The Bruce family is of Scotch origin and was founded in America by the great-grandfather of the subject of this notice, who left his native Scotland and took up his residence in Virginia, where he followed merchandising. He spent the remainder of his days in Pittsylvania county, Virginia. John Bruce, the grandfather,—of Pittsylvania county, Virginia,—was born in 1748, and died in 1827, at the age of seventy-nine. He married Elizabeth Clay, daughter of Henry Clay, Jr., of Mecklenburg county, Virginia, and they had a large family of children, one of whom, Alexander Bruce, was born in Garrard county, Kentucky, in 1796. He married Amanda Bragg, who was born in Lewis county, Kentucky, in 1803, a daughter of Thomas and Lucy (Blakemore) Bragg. Along the maternal line the ancestry of Mr. Bruce can also be traced to Scotland. Mrs. Bragg was a daughter of Thomas and Anne (Nevill) Blakemore, and the latter was a daughter of George and Mary (Gibbs) Nevill. The parents of Mrs. Nevill were John and Marian Gibbs, Scotch people, who took up their residence in Virginia long prior to the war of the Revolution.

Alexander Bruce, father of Judge Bruce, of Louisville, was a prominent business man, devoting his energies to various pursuits. He was a lawyer, farmer, merchant and mill owner and represented Lewis county in the Kentucky legislature in the session of 1825–6. Just thirty years afterward, the son, H. W. Bruce, represented Fleming county in the general assembly of the state. Alexander Bruce died in Lewis county in 1851, and his wife died the following year.

Horatio W. Bruce acquired his education in private and subscription schools in Lewis county and in Manchester, Ohio. He studied the usual branches comprised in an academic course, including higher mathematics, surveying and Latin, and all his life he has continued his research in the fields of knowledge, filling the store-house of his mind with many valuable treasures. With the aid of a private teacher he studied French and at one time could read it fluently. He is to-day a man of ripe scholarship and broad general information, and his investigations will be carried forward through all his years.

When a young man of fifteen Mr. Bruce entered a general store in Vanceburg, Kentucky, where for several years he was employed in the capacity of general salesman and bookkeeper. As the postoffice of the town was in the same building he also performed the duties of postmaster. In 1849 he was employed to teach a five-months term of school in Vanceburg and the following year he taught a school for a similar period in the Ohio river bottom, just below Quick's run. He resided in Lewis county, in or near Vanceburg, until December, 1850, when he went to Flemingsburg, Kentucky, making his home there for eight years. During that period he spent the whole time in the study and practice of law. He was a student in the law office of the Hon. Leander M. Cox, of Flemingsburg, a very able and learned lawyer and a man of extensive and varied erudition. Mr. Bruce was admitted to the bar in 1851, but since that time has never ceased to be a law student. He has carried his researches in jurisprudence far beyond that of the average practitioner, and his legal learning is accurate, comprehensive and masterful. He is never at a loss for authority, and has won some notable victories in the courts, yet he scorns the glittering chaplet of forensic triumph if it must be won by debasing himself, debauching public morality or degrading the dignity of his profession. In December, 1858, he removed to Louisville, where he has since made his home, with the exception of a temporary absence from September, 1861, to June, 1865.

Mr. Bruce was reared in the political faith of the Whig party, and his first political speeches were in support of Winfield Scott, the presidential candidate of that party. On the dissolution of the Whig party he joined the American, popularly known as the Know-Nothing party. After the presidential campaign of 1860, in which he supported Bell and Everett, he acted with the States'-Rights party and was its candidate for congress in the Louisville district in June, 1861. He had previously served in the state legislature in 1855–6, elected on the American ticket. The platform of the opposition, or Bell and Everett party—"The Union, the constitution and the enforcement of the laws"—is yet largely his political belief. In many offices has Judge Bruce demonstrated his fidelity to the best interests of the country and state. By the circuit court he was appointed examiner for Fleming county in 1851, at which time the office was created in the civil code of practice. Not long afterward he was elected trustee of the common schools in Flemingsburg district, in 1855 was elected to the legislature from Fleming county, and in August, 1856, was chosen commonwealth's attorney of the tenth judicial district, composed of the counties of Mason, Lewis, Greenup, Rowan, Fleming and Nicholas. That office he resigned in 1859, after re-

moving to Louisville. In that city he formed a law partnership with Ben Hardin Helm, under the firm name of Helm & Bruce, and successfully practiced his chosen profession until the commencement of the war.

Mr. Bruce was made a member of the southern conference held in Russellville, Kentucky, on the 29th, 30th and 31st of October, 1861, and of the Sovereignty convention, which met pursuant to a call issued by the former conference and held in the same town November 18–20, 1861. Among other measures, on the last day of the session, the convention passed the following ordinance: "Therefore, be it ordained, that we do hereby forever sever our connection with the government of the United States, and in the name of the people we do hereby declare Kentucky to be a free and independent state, clothed with all power to fix her own destiny, and to secure her own rights and liberties." The convention also adopted a constitution and established a provisional government of the state. Its executive was a governor, and its legislature was a council of ten members. Its first governor was the Hon. George W. Johnson, of Scott county, who held the office until he was killed at the battle of Shiloh, when heroically fighting in the ranks. Mr. Bruce was a member of the legislative council until elected a member of the Confederate congress in January, 1862,—Kentucky having been admitted a member of the Confederate States of America on an equal footing with the other states in the Confederacy, on the 10th of December, 1861, and authorized to have twelve members in the house of representatives of the Confederate congress, as well as two senators.

After the downfall of the Confederacy Mr. Bruce returned to Louisville and resumed the practice of law as a member of the firm of Bruce & Russell, his partner being Samuel Russell. In August, 1868, he was elected circuit judge of the ninth judicial district, composed of the counties of Jefferson, Oldham, Shelby, Spencer and Bullitt. In January, 1873, he was appointed chancellor of the Louisville chancery court, was elected the following February to fill out an unexpired term, and in August, 1874, was re-elected for a full term of six years. In March, 1880, he resigned the chancellorship in order to become attorney for the Louisville & Nashville Railroad Company, and is now its chief attorney, having in charge all the intricate law business that arises in connection with large railroad corporations,—a business which attests his superior ability and brings into play his resourceful talents as a legal practitioner. Not the least important of Mr. Bruce's work, in connection with the legal profession, was that which he performed during the eight years in which he held a professorship in the law department of the University of Louisville.

Mr. Bruce was married June 12, 1856, to Elizabeth Barbour Helm, daughter of Hon. John L. Helm, of Helm Place, Hardin county, formerly governor of Kentucky. Her mother, Lucinda Barbour Helm, was a daughter of Ben Hardin, one of Kentucky's most celebrated lawyers. The Judge and Mrs. Bruce have five living children: Helm, Elizabeth Barbour, Maria Preston Pope, Mary and Alexander.

HELM BRUCE, of Louisville, is a member of the law firm of Helm & Bruce, —a name that has been prominent in the annals of the bar of Kentucky since *ante-*

bellum days when it was the title under which was conducted the important law business of General Ben Hardin Helm and Judge Horatio W. Bruce, the former the uncle, the latter the father, of the subject of this review. This firm style is now used by James P. Helm and his nephew, Helm Bruce, and the high reputation of the first firm is well sustained by the latter, their extensive business indicating the skill and ability of the partners.

Helm Bruce is a representative of several families that have furnished to the bar of Kentucky some of its most eminent and distinguished members, including such men as Ben Hardin, John L. Helm and his more immediate relatives whom we have previously mentioned in this article. Sprung from such ancestry it is not strange that he early manifested a strong predilection for the law. He was born in Louisville, in 1860, a son of Judge H. W. and Elizabeth Barbour (Helm) Bruce, who are mentioned elsewhere in this volume. His elementary educational training was supplemented by a thorough college course. He is a graduate of Washington and Lee University, where he won two scholarships, one in moral philosophy and one in mathematics, in both of which he received very high honors. He was orator of the literary society to which he belonged while in college, and when he was graduated in the law department of the University of Louisville he received the medal for the best essay, choosing for his subject "Contributory Negligence." He then began practice, and his accurate and comprehensive knowledge of the law, combined with his strong mental alertness, his keen analytical powers and his superior gifts of oratory, have gained him marked prestige among the members of the Louisville bar.

JOHN LARUE HELM, governor of Kentucky, speaker of the house and senate and one of the most celebrated lawyers of Kentucky, was born at Helm Place, near Elizabethtown, Hardin county, on the 4th of July, 1802, and died there September 8, 1867. He descended from Virginian ancestry and belonged to one of the prominent pioneer families of Kentucky. His grandfather, Thomas Helm, came to this state from Williams county, Virginia, in 1780 and located on the site of the present city of Louisville. The following year he removed to Elizabethtown and located at Helm Place, where he erected a fort for protection against the Indians. His son, George Helm, born in 1774, was therefore but six years of age when brought by his parents to the new country beyond the mountains. He was a prominent pioneer and during the greater part of his active business life followed agricultural pursuits, but was also a leading factor in the public affairs of the new county, and represented his district in the state legislature. He married Rebecca Larue, also of an old family, and one of their nine children was John Larue Helm, whose name introduces this review.

On the old homestead where his grandfather had located he spent his early youth, and acquired his literary education in the schools of the neighborhood. Even in his boyhood days he became connected with official duties in the interest of the public, serving in a clerical position in the office of circuit clerk. Here his close application to duty and his ready adaptability attracted the attention of Duff Green, one of the most notable men of the state, who directed his studies and encouraged and inspired him to seek the best and highest life could yield.

He began the study of law while serving as deputy circuit clerk under Samuel Haycraft. In 1821 he became a law student in the office of Benjamin Tobin and in 1823 was admitted to the bar. He soon established a lucrative practice and purchased the old Helm Place, which continued to be his home throughout the remainder of his life. In 1824 he was appointed county attorney for Meade county and by re-election held that office for sixteen years. In 1825 he was elected to the lower house of the state legislature by the old court party and was one of the youngest members ever in the assembly. It was an honor well merited although one conferred upon few of his age. He was re-elected in 1827, 1830, 1833, 1835, 1836, 1837, 1839, 1842 and 1843, serving in all for eleven years. The year following his retirement from the house of representatives he was elected to the state senate, where he served from 1844 until 1848. He was elected speaker of the house in 1835, 1836, 1839, 1842 and 1843, and made one of the most able presiding officers that ever filled that position in the general assembly. He was a fine disciplinarian, extremely just in his rulings and adorned and honored the position. In 1838 he was the candidate of the Whig party for congress, but met defeat. On his retirement from the senate in 1848 he was elected lieutenant governor of the state, on the Whig ticket, and by virtue of this office was chairman of the senate in 1848–9. In 1850 Governor John J. Crittenden resigned the office of chief executive of the state to become attorney general in the cabinet of President Fillmore, and in consequence Mr. Helm took the oath of office and became the eighteenth governor of Kentucky, serving until the expiration of the term in 1851.

Mr. Helm then resumed legal practice and the care of his farm. His clientage was extensive and of a very important character. He conducted the litigation in many cases which attracted widespread attention, and his fame as a jurist equaled that which attended his political career. For a few years after his service as governor Mr. Helm, though actively interested in political affairs, and a recognized leader of his party, held no office, save that of presidential elector in 1853. His attention, however, was given to a business enterprise that has resulted most beneficially to the state. In 1854 he became president of the Louisville & Nashville Railroad Company. The road at that time was incomplete, the stock greatly depreciated, and failure was prophesied by many, but the business ability, dauntless perseverance and unconquerable energy of Mr. Helm soon worked a transformation; the remainder of the road then projected was constructed, and business of a substantial nature rapidly increased. The line became an important highway of commerce, and the material interests of the state were thereby largely promoted. He continued in the presidency until 1860, when he resigned.

The era of civil war was approaching, and it was natural that one of Mr. Helm's prominence, whose close study of public affairs had made him familiar with the situation of the country, should take an active part in the events of public importance at that period. He was opposed to secession from the Union, and also most strongly opposed to the war policy of the president of the United States. He was chairman of the state convention which met on the 8th of January, 1861, and declared neutrality for Kentucky in the war, but he gave one of his sons, Ben Hardin Helm, a rising young law-

yer of Louisville, where he was actively engaged in the practice with H. W. Bruce, under the firm name of Helm & Bruce, to the southern service. He rose to the rank of brigadier-general, and was killed at the battle of Chickamauga, September 20, 1863. After the dissolution of the Whig party Mr. Helm allied himself with the Democratic party and was again elected to the state senate, where he served on the important committee of federal relations. In 1867 he resigned in order to become the candidate of the Democracy for governor. In the convention he was nominated on the first ballot, and though there were three candidates in the field he was elected by an overwhelming majority, receiving over ninety thousand votes, while the next highest received only thirty thousand. He never entered upon the discharge of the duties of the office, however, death coming to him only five days after his inauguration. Too ill to go to Frankfort, the inaugural ceremonies were performed in his home in Elizabethtown, September 3, 1867. Five days later Governor Helm passed away.

In 1830 was celebrated the marriage of John Larue Helm and Miss Lucinda Hardin, a most cultured and intelligent lady, a daughter of Benjamin Hardin, one of Kentucky's most distinguished lawyers. When the general assembly met in session in Frankfort an act was passed appropriating to Mrs. Helm one year's salary of the chief executive, and a committee consisting of two members of the senate and three of the house was appointed to prepare resolutions of respect and sympathy, which were to be published in connection with a biographical sketch of Governor Helm and also the addresses delivered in the memorial service held in the legislature. Three thousand copies were to be issued and one presented to each member of the legislature. The name of Helm is perpetuated in the legal profession of Kentucky by a son, James P. Helm, a leading lawyer of Louisville, and the senior member of the firm of Helm & Bruce, the junior member being the son of H. W. Bruce.

The public record of Governor Helm was without a blemish. He was most true and faithful to all the duties and obligations that rested upon him, upholding his convictions of right with a fidelity and courage that knew no wavering, and even those who were his political opponents acknowledged his ability and had naught to say against his honorable career. He was a man of superior talents, a speaker of power and as a lawyer and statesman he stood in the front ranks in Kentucky.

BENJAMIN HARDIN was born in Westmoreland county, Pennsylvania, in 1784, and died in Bardstown, Kentucky, on the 24th of September, 1853. His parents, Ben and Sarah Hardin, removed to Kentucky in 1787, locating in Washington county, near Springfield. "Ben" Hardin, as he was always called, was reared in a pioneer home on the Kentucky frontier; he was educated under private instruction, his first teacher being Ichabod Radley. He afterward attended school in Bardstown and Hartford, and continued his education under the direction of Daniel Barry, an Irish linguist and a teacher of high repute. He began the study of law in Richmond in 1804, under the instruction of Martin D. Hardin, and in 1805 became a student in the law office of Judge Felix Grundy, of Bardstown. The year following he was admitted to the

bar and he began practice in Elizabethtown, where he remained for two years. Through the next half century the bar of the new state of Kentucky won a place among the most able of the country: in fact it was widely accorded the leadership. It included in its membership some of the brightest minds of the nation, and Benjamin Hardin was enumerated in this most distinguished coterie of lawyers. His methods of procedure before court or jury were simple. He relied upon justice, truth and the facts in evidence to secure a verdict favorable to his clients. No point ever escaped him and he gave to each its due importance, so that his arguments followed each other in logical sequence and led up to a climax that set forth the truth with startling clearness. He was extremely sarcastic in speech and this element combined with an aptness and clearness in presenting a case made him a formidable opponent.

In 1808 Mr. Hardin sought a broader field of usefulness and greater opportunities in Bardstown, one of the chief law centers of the state, then famous for the high character of the members of its bar. From that time until his death he was one of the brightest stars in the legal firmament. He was regarded by many as the ablest jurist of his day west of the Alleghanies. His clientage was by no means confined to the county in which he resided, but extended over Nelson, Washington, Hardin, Bullitt, Meade, Grayson, Marion, Breckinridge, Spencer, and other counties and was of the most important character. He also practiced in the court of appeals, in the Louisville courts, and in Indiana and other states. He was connected with almost all litigation of note that was heard in his section of the state for forty-six years. His fame spread abroad throughout Kentucky, nor was it limited by the confines of this state alone. His high reputation therefore soon secured him an extensive following and within a few years he was at the head of one of the most extensive law practices in the state. His comprehensive legal learning, his keen analytical mind that never lost sight of a single point, his readiness in argument and his masterful oratory all gave him a power and strength at the bar which was difficult to combat. His memory was extraordinary and upon it he greatly relied. Taking no notes during the hearing of a case, in the concluding argument he would trace correctly the evidence of many witnesses and answer every point of the opposing counsel. His advocacy frequently towered to the loftiest domain of eloquence; but it was always the simple eloquence of truth,—the still, small voice of justice, pleading, through him, for the recognition and protection of the right. He disdained everything like mere factitious ornament and invariably sought to present his argument in the strong, clear light of common reason and sound legal principle.

Mr. Hardin lived in what may well be termed the formative period of state and nation, and left the impress of his strong personality upon both. It was but natural that one who viewed so broadly all issues of the day should be made the people's representative in the council chambers where were decided those questions on which hung not only the welfare of Kentucky but also of the entire Union. In 1810 he took his seat as a member of the general assembly of Kentucky, and continued in the house through 1810, 1811, 1824 and 1825. Three years later he was elected to the state senate, where he served from 1828 to 1832. In

1833 he was one of the thirteen presidential electors from Kentucky and again served in that capacity in 1845. He gave his support to the Whig party from its organization, and took a most active part in shaping the legislation and moulding the policy of the state. When not connected with the general assembly of Kentucky, he represented his district in congress and was one of only nineteen, during the entire history of the state, who have served for eight years or more in congress. He was first elected in 1815, for a term of two years; and again elected in 1819, serving four years; and in 1833 was once more made the representative of his district, and continued in Washington until 1837. He was regarded as one of the ablest debaters in the house. In 1844 he was elected secretary of state of Kentucky, but resigned in February, 1847, owing to a disagreement with Governor William Owsley, which brought on one of the most heated controversies that has ever occurred between men of prominence in public life in the state. His speech defending himself before the senate committee on executive affairs, in January, 1847, was remarkable for its length, power and keenness. In 1849 he was made a member of the constitutional convention of the state from Nelson county and performed an important part in framing the organic law upon which rested the commonwealth for forty-one years. His superior knowledge of constitutional law, his comprehensive views of the needs, requirements and best interests of the state, and his wonderful foresight, guided by sound judgment, made him a most valuable member of the convention. This was his last public service and ended a career that has materially advanced the welfare of Kentucky and given it a most prominent place in the galaxy of states that form the Union. He was a gifted orator, his delivery was animated and he had that eloquence which is not born of rhetoric but springs from the inspiration of the occasion. He was frequently called upon to address public assemblies, and delivered the address in Harrodsburg on the occasion of the celebration of the sixty-sixth anniversary of the admission of Kentucky into the Union.

Mr. Hardin was married in 1806 to Miss Barbour. His person was tall and commanding, his eye remarkably keen and penetrating, and his countenance exhibited striking indications of decided talent. In the legislative halls of state and nation all acknowledged his worth, while his reputation at the bar classed him among the most brilliant jurists that this country has produced. His name is indissolubly linked with Kentucky's history.

BEN CHAPEZE, of Bardstown, was born in Trenton, New Jersey, March 27, 1787, and died at Elizabethtown, September 26, 1839. His father was Dr. Henry Chapeze, a native of France, who, imbued with the spirit and love of liberty, came to America with the Marquis de La Fayette and offered his sword and his talents to the colonies in their struggle for independence; he served as a surgeon in the American army. On the termination of the war he married Sarah Kenny, a native of Ireland, and soon thereafter removed to Kentucky, settling at Bardstown, where he remained in the practice of his profession to the date of his death, which occurred in 1810.

Ben Chapeze was educated in the private schools at Bardstown, then the most celebrated in central Kentucky, and although he was endowed by nature with more than

ordinary ability he had little love for books and no thought of entering one of the learned professions. In early manhood he betook himself to the calling of wagoner, and it was not until after his marriage to Elizabeth Shepherd, daughter of Adam Shepherd, the founder of Shepherdsville in Bullitt county, which took place May 7, 1812, that he commenced the study of law. After his marriage he settled in Bullitt county, on a small farm, which he cultivated with no great success. His wife was a woman of great native intelligence and ambitious for the success of her husband, in whom she recognized latent ability.

With the aid of Wilford Lee, a justice of the peace before whom Chapeze had made a defense of an action brought against himself, he secured books and set diligently to work, morning, noon and night, at the hours not required by his farm duties, and at the end of three years he secured his admission to the bar. Judge John Rowan was his preceptor and friend and directed his study. He entered on the practice at Shepherdsville in 1815, removing later to Elizabethtown and in 1820 to Bardstown, where for nearly twenty years he was one of the leading lawyers of the state, following the circuit and practicing in Nelson, Meade, Hardin, Bullitt, Breckinridge, Spencer, Washington and Marion counties, as well as looking to a large and lucrative business in the court of appeals. The reported decisions of that court not only show his numerous retainers, but the interested reader will find evidence of his superior skill and learning in the petitions for rehearing filed by him and published with the decisions. He was employed in many important and celebrated cases. His argument in the noted case of De Parcq versus Rice, was said by those who heard the arguments of Ben Hardin, J. J. Crittenden, C. A. Wickliffe and John Rowan to fully equal the efforts of those celebrated and able advocates.

He was a painstaking, hard-working and thorough student of his profession, of great originality, strong natural ability and sterling integrity. His voice was deep and sonorous; style of oratory ornate, with a tendency to use words of Latin origin. He abounded in candor, charity and magnanimity; was known to many by the sobriquet of "the honest lawyer," while his personal appearance gained for him amongst his brother lawyers the appellation given him by Ben Hardin of "the Black Prince." His dark complexion, long raven hair and lustrous black eyes, his fine physique and presence, his neatness of person and garb and his courteous manner making it an appropriate appellation.

He had little taste for politics, but was twice a representative for Nelson county in the legislature in the interest of the anti-relief or Old Court party during the heated contest of that era, being a colleague, during his last session, of Ben Hardin. On the close of the Old and New Court contest he joined the Jacksonian party, which was mostly composed of those previously allied with the New Court party. He was an elector and cast his vote for Jackson for president in 1828. He was the associate and intimate of many of the great lawyers of the state and the equal of all.

His wife was a devout Catholic and reared her children in that faith, and he died a recipient of its consolations, after an exhaustive trial at Elizabethtown, at the end of which he fell in the court-room, and, being removed to the hotel, was bled by the attending physician in the face of his pro-

test and that of his friend Ben Hardin, who said: "Don't let them bleed you, Ben; you'll die if they bleed you. If you submit to it I advise you first to have your will written." Mr. Chapeze replied that his will was already written, but that he would resist the bleeding. This promise he did not keep and he was bled, as the practice then was, and at the end of nine days he was dead.

WILLIAM DECATUR REED was born February 15, 1815, near Danville, now Boyle county, then Lincoln county, Kentucky, and died on the 30th day of May, 1858, at Louisville, this state.

In our age of refined reason and enlightened liberty, the lives of the virtuous great who have lived and are interred in our own state exhibit the most attractive models for our emulation, for they have ennobled and blessed the state and nation. Few have been fraught with greater import for the advancement of the good of mankind than that of William Decatur Reed. He was descended from sturdy Scotch-Irish stock on his father's side, his great-grandfather Reed having emigrated from Belfast, Ireland, to Pennsylvania in the early part of the eighteenth century. He was a linen manufacturer and is said to have established the first linen looms in that state. He was a kinsman of Governor Joseph Reed, of Pennsylvania, the secretary and stanch supporter of General George Washington, who served on his staff without pay, refusing the promotion to generalship offered him by his commander-in-chief. History records that he was approached by the English commissioners with an offer of 10,000 guineas and high preferment under their government if he would use his good offices toward bringing about a cessation of the war and the submission of the colonies, and that he, in response, made this noble and famous reply: "I am not worth purchasing, but, poor as I am, not all your king's gold and power could swerve me from my duty to my country," an answer which aptly illustrates one of the chief characteristics of the Reeds—that of strict integrity and adherence to duty and right.

The family came to Kentucky from Virginia, to which state the son of the first Reed had emigrated, between 1775 and 1780, and settled on the fine lands about four miles from Danville, at what is put down on Filson's first map of Kentucky as "Reed's." Here the grandfather of William D. Reed built a brick house, known later as Reed's Mansion—probably the first erected in Kentucky, of brick burned on the premises; it stands to-day, 1896, with the bullet marks of the Indians' rifles, received while its inmates were repelling attacks of the savages—a mute monument of the heroism of its early builders. In this home Jonathan Reed, the father of the subject of this sketch, was born and resided until his marriage to Annie Gaines, whose father was of English descent and one of the earliest pioneers into Kentucky, having emigrated from the state of Virginia in the latter part of the eighteenth century.

William D. Reed was left an orphan in early boyhood, and was reared in the home of his sister Letitia, the wife of Judge Paul J. Booker, near Springfield, Kentucky. He was sent to Center College, Danville, Kentucky, and there received a good academical education. On reaching his maturity, and coming into possession of his estate, being desirous of seeing and knowing his country better, he journeyed by stage and on horse-

back through the settled parts of both the United States and Canada. With his intellect broadened by these travels, and with an ambition to make a place for himself in the world, which to him was of greater extent than the county and state in which he lived, he returned to his home to begin the serious work of life. He had determined upon the law as his profession and entered the office of Hon. Ben. Chapeze, of Bardstown, Kentucky, one of the brightest minds and most indefatigable workers at the bar; later he attended the Transylvania University at Lexington, taking there the law course, and, when fully equipped by careful study, was admitted to practice in the courts, and settling at his old home, Springfield, he entered at once on the business of his life, the pursuit of his honorable profession. He at once secured a footing and became one of the most active practitioners in the circuit. His diligence and sober, intelligent application and faithful honest work in the interest of his clients made and kept them his friends and steadily increased their number. His interests and professional business grew with astonishing rapidity, and in 1841 he determined to remove to Frankfort, where the court of appeals offered to his genius an ample field and a more congenial and more lucrative practice than the circuits. There he entered into partnership with Hon. Charles S. Morehead, one of the leaders of the state bar at that time, who was in 1835 and 1859 elected governor of the state. In 1844 he was appointed by Governor William Owsley to the office of secretary of state. In 1846 he was elected a member from Franklin county to the state legislature. In 1852 he sought a still broader field for the practice of his profession and moved to the metropolis of his state, Louisville, where he entered into partnership with Judge Owen G. Cates, which relationship continued until a few years before he was compelled to abandon active work by his last illness, with which he was attacked in January, 1857. On taking up his residence in Louisville, he entered at once into a lucrative practice, his reputation being well established throughout the state, of which he was a prominent factor in both the political and social life.

Mr. Reed took a laudable interest in national politics and was an elector for the Democratic party in the electoral college which chose James Buchanan president and John C. Breckinridge vice president.

He foresaw that the telegraph, then a new invention, was destined to fill an important place in the business world, and the wondrously beneficial influence its development would have on the general welfare of the country. He was one of the original projectors of the Southwestern Telegraph Company, which owed its existence to his perseverance and faith in the usefulness and practicability of the invention of Morse to utilize electricity on wires as a means of communication in the world of business. To those of our own day it may appear strange that the feasibility of so doing could have been doubted, but such was the ignorance and superstition of 1852 on that subject that the erection of poles and stringing of wires was supposed to work such an injurious result as to deprive the farmers of much-needed rains, and, like the Indian, who opposed the laying of railroads, and the Chinese of more recent years, the farmers of the south and the southwest were violently prejudiced against the innovation of the telegraph with its poles and wires, and fought the erection of the line in the courts and in the

fields. Mr. Reed became greatly interested in the development of this wonderful agency of civilization, and to his foresight and courage, more than to that of any other, the establishment of this pioneer company was due. It was through his earnest advice and solicitation that his friend, Dr. Norvin Green, who afterward became president of the consolidated companies, under the name of the Western Union Telegraph Company, took an interest in the enterprise, in which Mr. Reed, with unbounded faith in the success of the company, had made a liberal investment of his means. He had also secured the co-operation of his brother-in-law, John M. Sharp, and was with him among the largest stockholders, evidencing his faith by risking his own means when others were invited to make investments. He was the secretary and attorney for the Southwestern Company, and traveled over all of the states through which its lines passed, securing protecting legislation for the property of the corporation. It was while engaged in this labor that he was one of the passengers on an ill-fated steamer which sank in the Mississippi in the early part of January, 1857, and, being exposed without shelter to the inclement air and the snow and rain of winter, he contracted neuralgia, which, after a confinement of eighteen months to his house and bed, resulted in his death.

Although a practicing lawyer at the Louisville bar for only five years, he secured a most lucrative clientage, his fees for the last twelve months of his career amounting to over ten thousand dollars, which for a Louisville lawyer in 1856—before the day of railroad receivership and sales—was a very liberal income. He left an estate, which, when closed, returned to his heirs over one-fourth of a million dollars, the result of his own individual effort in his profession and from his investments.

His personality may be summarized as one of great individuality, forcefulness and perseverance being predominant factors. Of sterling integrity and high purpose, every act of his life was but the stepping stone to something greater. There seemed no limit to the possibility of what he might have accomplished but for the interposition of death at the early age of forty-three years. He was married in 1839 to Jane Maxwell Sharp, only daughter of Colonel Solomon P. Sharp, of Frankfort, Kentucky, whose biography appears in this volume.

Mrs. Reed partook largely of the characteristics of her father, a loving and kindly disposition, with great force of intellect and industry and with power that enabled her to devote her life assiduously to the rearing of her family,—five boys and two girls. Mrs. Reed and four of the sons are still living. Of the sons, P. Booker, Leander Sharp and William D. Reed were successively receivers of the Louisville chancery court for fifteen years, and the last is still the incumbent of that responsible office. P. Booker Reed was mayor of Louisville from 1885 to 1887; Solomon S. Reed is a farmer in Oldham county, Kentucky; and Jonathan Duff Reed is a member of the Louisville bar. The family connections through the paternal and maternal sides extend to the line of Augustine Washington; Honorable James G. Birney, the first candidate for the presidency of the United States on the Abolition ticket; Honorable Thomas B. Reed, United States senator for Mississippi; and Dr. Louis Green, president of Center College, Danville. An uncle, John Reed, was for about forty years clerk of the county and circuit courts of Washington county, Kentucky, and it was

during his term that the license for the marriage of the mother and father of Abraham Lincoln, on June 10, 1806, was issued from that office.

JONATHAN DUFF REED, of Louisville, was born in Frankfort, Kentucky, April 8, 1850, and his childhood days were passed on his father's farm near O'Bannon's Station, Jefferson county, Kentucky. At the age of twelve years he entered Forest Academy, conducted by the Rev. Burr Hamilton McCown. He also attended the public schools of Louisville, and in 1865 matriculated in the University of Virginia, where he continued his studies until 1867. The following six years were passed in Europe, studying and visiting the many points of interest on the continent. For one session he was a student in the University of Munich and for four years he pursued a course in the University of Edinburg, Scotland, where he was graduated with the degree of Master of Arts in 1873. The months of vacation were spent in travel over the countries of the old world, and thus, with a broad and comprehensive education gained at some of the best schools of the world, he returned to his native land to enter upon the duties that come to every individual as he leaves the days of childhood and youth behind and enters into manhood.

Mr. Reed still further fitted himself for his life work by reading law in the University of Virginia, and in 1876 he was graduated at the Louisville Law School. His theoretical knowledge was then put to the practical test of business experience in St. Louis, Missouri, where he practiced from 1878 until 1881. He is now a practitioner of the Louisville bar and is recognized as an able member of the legal fraternity. His well known erudition and his force of character command the highest respect of his brethren at the bar.

On the 16th of October, 1888, was celebrated the marriage of Mr. Reed and Miss Ella D. Ferguson, a daughter of John and Sarah J. (Moore) Ferguson, of Louisville. Her father, now deceased, was one of the most prominent business men of Louisville. Mr. and Mrs. Reed have three sons: John Ferguson, aged seven years; William Maxwell, five years of age; and Jonathan Duff, a lad of three summers.

Contrary to the generally accepted opinion that the inheritor of wealth never possesses the business ability and energy of him who is forced to make his own way in life unaided, Mr. Reed is a busy man, indolence and idleness being utterly foreign to his nature. He has been interested in the establishment and promotion of many commercial and manufacturing enterprises, is a public-spirited, progressive citizen, deeply interested in the welfare of his city and state, and his labors in the line of advancement and improvement have been most effective and beneficent. He has never but once been a candidate for political office, the exception being in 1892, when he sought the Democratic nomination as delegate to the constitutional convention from the fifth (Louisville) district. He received a very complimentary vote, but was defeated. He was one of the organizers and most active members of the Citizens' party which nominated candidates in Louisville in 1892 and 1895. He was a member of the executive committee of this party, whose object was to eliminate politics and religion from local elections and to nominate only men of the highest integrity of character and loyalty for all local offices without regard to their

political or religious affiliations. He is a man of strong convictions, fearless in sustaining his honest opinions and his honor in all matters of business and political life.

LYTTLETON COOKE, of Louisville, Kentucky, was born in King and Queen county, Virginia, on the 28th day of October, 1831, and is a descendant of one of the old and prominent families of the Old Dominion. The founders of the Cooke family in Virginia came from England, and were among the earliest immigrants to that colony, their names appearing as officials and land owners among the records of the several counties on the peninsula between the York and James rivers, and in the counties of Gloucester and King and Queen, early in the seventeenth century. They and their descendants have always occupied highly respectable positions in both business and social circles, and many of them, both male and female, have intermarried with some of the most prominent and influential families in Virginia and in other states to which some of them emigrated. Captain Dawson Cooke, the grandfather of the subject of this sketch, was a commissioned officer in the Continental or Virginia navy during the Revolutionary war, and was serving as such on the ship Gloucester at the close of that war, being present at the surrender of Lord Cornwallis at Yorktown. After the close of the war, Captain Cooke retired from the navy, and in 1787, as it appears from the county records, was serving as sheriff of King and Queen county.

Henry Cooke, father of Lyttleton Cooke, was born in King and Queen county, Virginia, about the year 1801. After receiving a fairly good education, he commenced life as a country merchant, and thus continued until after his marriage in 1830 to Louisa Johnston, of Gloucester county. Soon after his marriage, as he and his wife had each inherited a considerable number of negro slaves, he purchased a farm or plantation in King and Queen county, and lived the quiet life of a country gentleman during his few remaining years. He died at the age of thirty-five or thirty-six years. Louisa Johnston was the only child of her parents who survived infancy. She was born in Gloucester or Matthews county, Virginia (the latter county having been formerly a part of Gloucester county), in 1811, and died in 1858. Her father was Thomas Johnston, and her mother was a Miss Kemp. They owned an estate on the Piankatank river, where they both died, the mother when their daughter Louisa was less than two, and the father when she was about five years old. The Johnstons were of Scotch descent.

Lyttleton Cooke, the only son of Henry Cooke, was only five or six years of age at the time of his father's death, and, his mother having contracted a second marriage, he was while still a child sent from home to school, and passed nearly all of his childhood and youth in boarding schools and academies until he commenced the study of law, which he did at the early age of seventeen, having determined to leave Virginia and seek a home in the west as soon as he could possibly do so. He was thus separated to a great extent from his relatives and family connections, and has had but little communication with them since, having, as will be seen from the above, very few who were or are closely related to him. At the age of eighteen he entered the law school of the University of Virginia, but did not graduate, having a few days before the examinations commenced, consented to

Hyllton Cooke

act as "second" for a friend who had been challenged by another student to fight a duel, and in consequence thereof the parties involved in the affair were quietly informed not to present themselves for examination in any of their classes. After leaving the University of Virginia, Mr. Cooke, although not having attained his majority, in the early part of the year 1851 removed to St. Louis, Missouri, having been previously examined and declared competent to be admitted to the bar by Judge John B. Clopton of the Williamsburg (Virginia) circuit court, and by Judges Cabell and Brooke of the court of appeals of that state. After familiarizing himself with the Code of Practice and the statute law of Missouri, he was admitted to the bar in St. Louis without being required to stand any further examination. At this time the conflict between the Benton and the anti-Benton wings of the Democratic party in Missouri was at its height. Mr. Cooke, who was always a Democrat, warmly espoused the cause of the anti-Benton wing of the party in that contest, and in 1854, although not eligible because of his youth, he was nominated as one of the anti-Benton Democratic candidates to represent the city and county of St. Louis in the legislature of Missouri; but, those with whom he acted being in a hopeless minority in that city and county, he was, as he expected to be, defeated with the other candidates of his party. However, in 1856, because of the ability he had shown as a political debater in his canvass for the legislature, he was nominated by the Democratic state convention of Missouri as a candidate for presidential elector, and was elected, and cast his vote in the electoral college for James Buchanan for president and for John C. Breckinridge for vice president.

The following year Mr. Cooke, having in the meantime met and become engaged to be married to the lady who subsequently became his wife, in order to eschew politics, in which he felt that he had become too deeply involved to conveniently withdraw therefrom in Missouri, and feeling that he was not financially able to pursue a political career, removed to Paducah, Kentucky, for the purpose of devoting his entire time to his profession as a lawyer. He soon acquired a fair practice in that growing little city and the surrounding counties.

But in 1861, the war between the states having broken out, and there being at that time little or no law to practice in Kentucky, and Mr. Cooke's home in Paducah having been broken up and destroyed by federal soldiers, because of his strong and pronounced sympathy with the cause of the south, he removed to Louisville. However, he was able to do but little in his profession during the continuance of the war, as he did not hesitate to avow his sympathies with the south during that period; although, as Kentucky did not secede from the Union, his extreme states-rights views compelled him to recognize his allegiance to that state and the Union to which it belonged.

In 1867 Mr. Cooke was elected, as a Democrat, to the Kentucky senate from the thirty-seventh district, composed of the central wards of the city of Louisvillle, in which the great preponderance of its intelligence and wealth is located, and served in that body for four years, and was a member of the judiciary committee, and chairman of the committee on railroads and also that on banks and insurance. He was a close personal friend of Hon. John W. Stevenson, who was governor of the state

during that time, and was one of his most intimate and trusted friends and advisers in respect to public matters. Mr. Cooke's services as a senator, commencing soon after the close of the war, covered a period of unusual excitement and feeling in state politics, and many questions of great interest and importance came up before the legislature during that time, in all of which he took a prominent and leading part, being the author of the statute which first admitted negroes to testify on an equality with whites in the courts of Kentucky.

In 1868, pending his services in the senate, he was chosen a delegate from Kentucky to the national Democratic convention in New York, which nominated Seymour and Blair for president and vice president, respectively, of the United States. At that convention he was one of the close personal friends and trusted advisers of the Hon. George H. Pendleton, of Ohio, who at that time was a prominent candidate for the nomination for president of the United States, and was uncompromising in his opposition to the nomination of Salmon P. Chase, or any other Republican, as the Democratic candidate, as was proposed and advocated by many members of that convention.

In 1877, unsolicited on his part, Mr. Cooke was elected a member of the house of representatives in the general assembly of Kentucky, and served one term. But this interfered to such an extent with his practice as a lawyer that he declined further public service or office. In 1873 Mr. Cooke was appointed district attorney for Kentucky of the Louisville & Nashville Railroad Company, which position he has held continuously since, and which engrosses all his time.

During the late presidential canvass Mr. Cooke, like many other Democrats who for some years had not been actively participating in political movements, became deeply interested and aroused at the action of the so-called Democratic convention which met at Chicago in July, 1896, and was among the first to unite in the movement which resulted in the protest of the true Democrats against what he considered the insane, revolutionary and anarchic sentiments promulgated by that body, and took an active part in forwarding the movement which resulted in the assembling of the Indianapolis convention, and the nomination of Palmer and Buckner, and cast his vote for electors pledged to vote for them; and he is an uncompromising believer in gold as the only measure or standard of values, and that it must ever be the basis for a sound and stable currency, and has always been such a consistent and uncompromising Democrat that he refused to vote for electors pledged to vote for Horace Greeley, when he was nominated by a so-called Democratic convention for president, and in that campaign cast his vote for electors pledged to vote for Charles O'Conor.

In Louisville, June 12, 1860, Mr. Cooke married Miss Alice Wilson, third daughter of Dr. Thomas E. and Caroline (Bullitt) Wilson, both of whom were descendants of leading and honored pioneer people of Louisville, who in the development and progress of the city left the impress of their individuality on its public advancement and culture, and on its business and social life. Mrs. Cooke died in 1890, leaving two daughters, Alice and Caroline Wilson, the former now the wife of David A. Keller.

At the bar Mr. Cooke occupies an eminent place, accorded him on account of

his superior legal attainments and high personal character which commands the greatest respect. With methodical business habits and untiring industry, his fine analytical mind enables him to successfully cope with his adversaries in all departments of law, and his comprehensive knowledge of the science of jurisprudence supplies him with almost unlimited authority and precedent. "Time tests the merits of all things," and for thirty years it has set the stamp of approval upon the work and character of Lyttleton Cooke, who to-day is one of the foremost among the citizens of Louisville, and one of the leading members of the Kentucky bar.

JOHN BROWN, lawyer and statesman, was the first United States senator from Kentucky. He was elected in 1792 for the full term of six years, and was re-elected, serving two full terms, from 1792 to 1805. He had previously represented the Kentucky district of Virginia in the federal congress, and from the earliest days was a prominent figure and an important factor in the political history of the state.

He was born September 12, 1757, at Staunton, Virginia, his parents being the Rev. John and Margaret (Preston) Brown. His father was a distinguished minister of the Presbyterian church, a graduate of Princeton College, and for nearly fifty years pastor of the leading church of his denomination in Rockbridge county, Virginia. His mother, a woman of great energy and fine intelligence, was the second daughter of John and Elizabeth (Patton) Preston, through whom he was related to the Prestons, Breckinridges, McDowells, Harts and Cabells of Virginia and Kentucky.

John Brown was attending college at Princeton when the Revolution began, but the college was broken up by the war and he joined the army under Washington, with whom he crossed the Delaware in a company of volunteers from Rockbridge county, and remaining in the service under the command of General La Fayette. He completed his education at William and Mary College, Virginia; read law under the preceptorship of Thomas Jefferson, and in 1782 emigrated to Kentucky, where he immediately took a prominent part in the political affairs of the county. He enjoyed the personal acquaintance and esteem of George Washington, Thomas Jefferson, John Adams, James Madison and James Monroe. He was honored by President Washington with important commissions of a military trust, with power to enlist men, commission officers and carry on war at home and abroad. He was the projector of several military expeditions into the Indian country, lending his influence as a volunteer to enforce by example his official exhortations.

He was a distinguished actor in all the events antedating the severance of Kentucky from Virginia, and contributed more to the success of the efforts of the pioneer settlement to become an independent state than any other single individual. His position as congressman from the district of Kentucky and his acquaintance with all of the most prominent and influential public men of that day aided him in his efforts to achieve the independence of his district and secure its erection into a new commonwealth of equal rights and privileges with the original thirteen colonies. He labored successfully to this end and the new state appreciated his efforts and rewarded him by electing him to the senate of the United States. The public records of that body

show how well and how earnestly he labored in behalf of his own state, and also in behalf of the entire confederated statehood. He was prominently interested in all the negotiations for the opening of the Mississippi river to the commerce of the people of Kentucky while the great valley was still under the domination of Spain, and his name has been connected by some writers with the so-called "Spanish conspiracy."

Suffice it for the purpose of this article to give only facts. His relation with the eminent men who occupied the high office of president of the United States has already been referred to; he was equally intimate with General George Rogers Clark, Isaac Shelby, Harry Innes, George Nicholas and John Breckinridge. With all of them his relations were of a most cordial nature; and the relationship and attachment, beginning in a period of danger, continued uninterrupted through life. He was urged by personal letters from Presidents Jefferson and Monroe to accept office during their respective administrations, but declined in both cases. He lived an upright, useful life in the sight of all men, and died at Frankfort August 28, 1837, esteemed as a patriot and statesman. He achieved fame also as a lawyer of great erudition and as a successful practitioner.

His wife was Miss Margaret Mason, daughter of John Mason, of New York, who survived her marriage but a few months.

His brother, James Brown, came to Kentucky in 1789, and settled at Frankfort when the seat of the state government was established there. He took part in the expedition against the Indians, commanding a company in General Wilkinson's expedition, and was the first secretary of state under Governor Isaac Shelby. He was a contemporary of Henry Clay and married a sister of Mrs. Clay, the ladies being daughters of Colonel Thomas Hart, of Lexington, Kentucky. James Brown removed from Kentucky to Louisiana, where he took a prominent part in the affairs of the state and nation, being a member of congress and minister to France in 1823. He was born at Staunton, Virginia, September 11, 1766, and died at Philadelphia, April 7, 1835.

MASON BROWN, son of John Brown, was a lawyer of eminence and influence at Frankfort. He was born November 10, 1799, at Philadelphia, while his parents were on a visit there, and died at Frankfort, Kentucky, January 27, 1867. He was carefully educated at home and by private tutors, and entered Yale College, graduating in the class of 1820. He devoted himself to the practice of law, in which he was very successful. He accepted an appointment to the circuit bench in 1839, serving until 1849, when he resigned and resumed active practice. From 1855 to 1859 he was secretary of state under the administration of Governor Charles S. Morehead, and thereafter relinquished the more arduous labors of his profession.

He wrote with Charles S. Morehead a digest of the statute law of Kentucky. He was fond of literature and science, and eschewing politics, devoted himself assiduously to his profession and was rightly regarded as one of the most scholarly and able lawyers in the state. He was married twice, his first union being with Miss Judith A. Bledsoe, daughter of Hon. Jesse Bledsoe, and his second wife was Mary Yoder, daughter of Captain Jacob Yoder, of Spencer county.

JOHN MASON BROWN, son of Mason Brown, was born at Frankfort, April 26, 1837, and, coming of a race of cultured men who had devoted their lives to the profession of law, naturally followed in their footsteps. He was graduated at Yale College, in 1856, studied law under the guidance of Thomas N. Lindsey, of Frankfort, and commenced the practice at St. Louis, Missouri. He spent some time in travel in the far west and in 1862, returning to Kentucky, entered the army as major of the Tenth Kentucky Cavalry, United States Volunteers, serving throughout the war. He was colonel of the Forty-fifth Mounted Infantry and was in command of the Second Brigade, Fifth Division of the Twenty-third Army Corps.

He returned to the law on the close of hostilities and entered into partnership with M. C. Johnson, at Lexington, Kentucky, which connection continued until he removed to Louisville, in 1873. In 1882 he became associated with George M. Davie and later with A. P. Humphrey, forming the well-known firm of Brown, Humphrey & Davie. Mr. Brown was known and valued as a lawyer of great erudition and probity; was a brilliant orator and delivered numerous public addresses. The one in August, 1882, on the anniversary of the battle of the Blue Licks, and one at the centennial celebration of the founding of Frankfort, were specially remarkable for their historical research and forensic finish. He wrote a "History of the Political Beginnings of Kentucky," a valuable epitome for the students of early events.

Mr. Brown was married in 1869 to Miss Mary O. Preston, daughter of General William Preston, of Lexington, a direct descendant of the same family from which came his great-grandmother, Margaret Preston, the wife of Rev. John Brown, thus in the fourth generation again uniting two great families that have been active factors in the history of the state. A son, John Mason Brown, bearing his father's name, is now the representative of the fourth generation at the Kentucky bar and is assistant city counselor for the city of Louisville.

ALEXANDER POPE HUMPHREY was born in Louisville, Kentucky, January 26, 1848. His father was the eminent Presbyterian minister, Rev. Edward P. Humphrey, D. D., LL. D.; his mother was of the well known Pope family of Louisville. He was educated at Center College, Danville, Kentucky, and was graduated in law at the University of Virginia. Inheriting strong mental endowments and enjoying the best advantages in his early training, he so improved both that it may be said of him, what can be said of few persons, he made the best use of the best opportunities.

Coming to the bar immediately after his graduation, he at once made the impression of an earnest, industrious young practitioner with unusual capability, learning and mental training. It was evident he was destined to excel in the highest walks of his profession. His career has made good this earlier promise. He soon became a member of the leading firm of Barr, Goodloe & Humphrey, and was engaged in the conduct of much responsible and important litigation, in which his ability was thoroughly demonstrated. Being appointed to the office of chancellor of the Louisville chancery court, to fill the unexpired term of Judge H. W. Bruce, resigned, he made the reputation of one of the best judges who ever held that

position, and this notwithstanding he was only thirty-two years of age, and that bench had been filled by men of the highest ability, including Chancellors Logan and Pirtle.

Upon his retirement from the bench he became a member of the well-known law firm of Brown, Humphrey & Davie, and since the death of Colonel John Mason Brown, of that firm, he has continued to practice with George M. Davie. Very much of the most important litigation of the Louisville bar, and indeed of the state of Kentucky, is intrusted to this firm. As lawyers and as citizens both Judge Humphrey and Mr. Davie enjoy the highest confidence and esteem.

Judge Humphrey married Miss Mary Moss Churchill, daughter of Alexander Pope Churchill, of Louisville, and they have four children living.

GEORGE M. DAVIE, a representative of the Louisville bar, was born in Christian county, Kentucky, March 16, 1848, a son of Hon. Winston J. and Sarah A. (Philips) Davie. His father, a graduate of Yale College, was also a native of Christian county, where his parents, removing from North Carolina, had located at an early day. Both he and his wife belonged to families of high education and culture, and sought for their son the best educational advantages that ample means could procure. In his early youth, therefore, George M. Davie became a student in Center College, at Danville, Kentucky, and subsequently entered Princeton College, New Jersey, where he was graduated with honor in 1868. The following year he commenced the study of law in Louisville, and was admitted to the bar in 1870. He then entered upon his legal career as an assistant in the office of Muir & Bijur, and in 1874 was admitted to a partnership with that firm. In 1877 he became associated with Mr. Bijur alone, the connection being terminated by the death of his partner in 1882. He then joined Colonel John Mason Brown in the establishment of a law firm, which, later, was strengthened by the admission of Judge A. P. Humphrey. On the death of John Mason Brown the firm became Humphrey & Davie, which is now one of the oldest and best known law firms of the state, enjoying a large and lucrative clientage. Indeed, there is rarely a case of public moment or large financial interests in which they are not retained as counsel.

Mr. Davie has never sought or desired office, but has given his entire attention to his professional duties, and the important character of his business indicates his standing in the legal fraternity. His cases are always carefully prepared and show a mastery of the subject which leaves no weak point of attack for his opponent. He is quick to see and utilize the strong points in a case, and his arguments are logical as well as clear and forcible. He is a fluent speaker, of wide information and with a command of language to give his thoughts expression; he is a ready and versatile writer, a witty debater and a pleasing converser. In politics he is an advocate of the Democracy, and for some years was a member and chairman of the Democratic legislative district committee; was one of the originators of the National Democratic movement of 1896; and he has given his aid and counsel in behalf of good government without thought of personal advancement, and is ranked among the most progressive citizens of Louisville. It has been

said of him that he can do more things at once, and do them well, than any other member of the Louisville bar, and such are his probity and worth that he has the respect of all.

Mr. Davie was married on the 5th of December, 1878, to Miss Margaret Howard Preston, daughter of General William Preston, of Lexington. They have one child.

JOSEPH THOMAS O'NEAL, of Louisville, was born in Woodford county, Kentucky, on the 7th of February, 1849, and is descended from one of the pioneer families of Virginia, where in 1701 located three brothers of the name who had emigrated from the Emerald Isle to secure homes in the new world. From one of these brothers was descended Louis O'Neal, who was born in Virginia and served as a soldier in the colonial army during the war of the Revolution. He became the founder of the family in Kentucky, locating in Jessamine county during the closing years of the eighteenth century. His son, George O'Neal, the grandfather of Joseph T., was born in Jessamine county in 1789, and the father, Meritt Singleton O'Neal, became one of the leading farmers of that county. He married Elizabeth, daughter of Younger Arnold, a farmer of Woodford county, where his parents had located in pioneer days on their emigration from the Old Dominion.

Thus Joseph T. O'Neal is connected with two families of long identification with the history of his native state. He attended the common schools of Woodford county until fifteen years of age, when he became a student in the Woodford Academy, of Versailles, Kentucky, an excellent institution of learning under the direction of Professor Henry. He afterward pursued his education in the Kentucky University in Lexington and subsequently matriculated in the law department of the Michigan University, where he was graduated with the class of 1873.

In the fall of that year Mr. O'Neal came to Louisville and entered upon the practice of law in the office of Judge John Roberts. He has since been a member of various well-known and prominent law firms. His first partnership was with William L. Jackson, Jr., and Zach Phelps, under the firm name of O'Neal, Jackson & Phelps; this was succeeded by the firm of O'Neal & Phelps; and the next change was made by the admission of Joseph Pryor to an interest in the business, under the name of O'Neal, Phelps & Pryor. A fourth partner was admitted and the name changed to O'Neal, Phelps, Pryor & Seligman, but in October, 1894, by the withdrawal of two members, the firm became O'Neal & Pryor, and January 1, 1897, Judge W. S. Pryor, formerly chief justice of the court of appeals, was admitted to the firm which is now Pryor, O'Neal & Pryor, Judge W. S. Pryor having an office at Frankfort. Since his admission to the bar Mr. O'Neal has given his entire attention to the practice and has succeeded in securing a large and lucrative clientage. Many of the cases which he has handled have been of a very important character. The characterizing elements of his professional career are indefatigable industry and the most thorough preparation of his cases. Thus sure of his position, with an accurate knowledge of the authorities and precedents which make firm the position he has taken, he proves a formidable opponent in forensic encounters. He has never laid aside professional duties to seek the honors and emoluments of po-

litical preferments, having been but once a candidate before the people. He was named for judge of the court of appeals, at the primary election of the Democratic party, but was defeated by a small vote of two hundred.

Mr. O'Neal married Miss Lydia E. Wright, daughter of Joseph and Ellen (Briscoe) Wright. Her father is a prominent merchant and distiller, operating the Sugar Valley distillery in Bullitt county, Kentucky. The Wrights were of English descent, through the Hedges of England, and came to America in the early part of the eighteenth century, locating in Virginia, whence they removed to Kentucky. Mr. and Mrs. O'Neal have four children: Meritt D., Joseph T., Goodloe and Emmett. Mr. O'Neal holds membership in the Baptist church and belongs to the Masonic fraternity and the Knights of the Ancient Essenic Order.

JOHN YOUNG BROWN, who recently retired from the gubernatorial chair of Kentucky, is one of the foremost orators and statesmen of his commonwealth. He is a son of Thomas Dudley and Elizabeth (Young) Brown, and was born in Hardin county, June 28, 1835. His father was for several terms a member of the legislature from Hardin county, and also represented that county in the convention which framed the state constitution in 1849–50. As a consequence, the future governor spent several winters at the state capital, and received his first lessons in oratory from the many famous speakers of that day, who esteemed it an honor to secure an election to the law-making body of the state. Thomas Dudley Brown was himself an orator of no mean reputation, and the Youngs, the maternal ancestors of Governor Brown, were long famed in Kentucky for the brilliancy of their intellect.

John Young Brown entered Center College, Danville, Kentucky, when but sixteen years of age, and graduated at that institution four years later in the class which furnished so many of the famous statesmen of Kentucky and other states. Returning to Hardin county, he read law, and at the age of twenty-one commenced practice at the Elizabethtown bar. For the next few years Mr. Brown was in great demand as a campaign orator. The issue of Know-nothingism being at that time at its height, and Mr. Brown being one of its most formidable opponents, his life was often threatened by the adherents of this un-democratic party.

In 1859 the Democrats of his district met at Bardstown and nominated him, over his own protest, as their candidate for congress. He lacked over a year of being the required age for a congressman, but his constituents would not listen to his oft-repeated declinations. Colonel Jewett, the out-going congressman, opposed him as an independent, but the young orator met him at every appointment and carried the district by storm, beating his opponent by about two thousand votes. Being under age, he was not allowed to take his seat until the short session of the term after he had attained the constitutional age, nearly two years after his election.

He was chosen as a state elector on the Douglas ticket in 1860, and held a series of joint debates with the Hon. W. C. P. Breckinridge, who had been his classmate, who was an elector on the ticket headed by the brilliant John C. Breckinridge. These debates added much to the reputation of Mr. Brown. After the close of the war Mr.

Yours, &c.,

W. L. Stone

Brown moved to Henderson, in another congressional district, from which he was again elected to congress, in 1867,—to the fortieth congress. He was refused his seat on account of alleged disloyalty, but his constituents refused to elect another in his stead, and for two years the district remained without a representative. He was elected again in 1872, and again for the fourth time in 1874, after which he refused to allow his name to be presented. He remained in political retirement until 1891, when he was triumphantly elected governor of Kentucky.

It was during 1875 when Mr. Brown made his famous denunciatory speech in congress against General Benjamin F. Butler, which made his name ring around the continent. A resolution of censure was passed against him for this speech, but he was much applauded for it throughout the south, and a subsequent congress, by a unanimous vote, ordered the censure expunged from the record.

The greatest victory of his life was won by Mr. Brown when he secured the Democratic nomination for governor in 1891. He had very formidable opposition for the nomination in the persons of Hon. Cassius M. Clay, Jr., president of the constitutional convention of 1890–91; Dr. J. D. Clardy, also a prominent member of that body, now congressman from the second district, and ex-Attorney General P. W. Hardin. At the election following, his majority over his nearest competitor was over twenty-eight thousand.

Coming into the gubernatorial office at the time of the adoption of the new constitution and the consequent entanglement into which the laws had fallen, the first part of Governor Brown's term was characterized by laborious work and by occasional conflicts with the legislature. His veto messages were masterly state papers, and it is a satisfactory commentary on their worth when it is known that of the many vetoes sent to the two assemblies that met during his term of office not one was overruled. He retired from office on December 10, 1895, and is now engaged in the practice of law in Louisville.

Governor Brown's social life has been pre-eminently a happy one. When quite a young man he was married to Rebecca Dixon, the beautiful and highly accomplished daughter of Hon. Archibald Dixon, ex-lieutenant-governor and ex-United States senator.

Governor Brown is an orator among the giants in Kentucky, the home of oratory. In his younger days he attained a reputation for eloquence that was not confined to his state or the south. Since his return to political life he has shown that he has not lost the fire of youth, and with the added strength that experience has given he can sway the people as few speakers can. While a reticent man, he is not taciturn, and people who have been thrown with him through official relations or by personal contact bear testimony to his genial manner, warm-hearted friendship and generous hospitality.

HENRY LANE STONE, a member of the Louisville bar since 1885, was born in Bath county, Kentucky, near Sharpsburg, January 17, 1842, and is a representative of prominent old families of Virginia and of this state. Of English origin, the Stone family was founded in America by Josiah Stone, who sailed from England as a cabin-boy in the early part of the eighteenth century and went to Prince William county,

Virginia. He was reared by a wealthy lady who at her death bequeathed to him a considerable estate. Valentine Stone, the third son of Josiah, was a soldier of the Revolution. In 1790 he removed to Kentucky, settling near Boonesboro, in Madison county, whence in 1799 he removed to Bath county.

General Samuel Stone, son of Valentine and the father of our subject, was then only two years of age. He was born in Madison county, December 26, 1797, and liberally educated. At an early age he entered political life as a follower of Jefferson and Jackson, and four times represented Bath county in the state legislature, being elected in 1824, 1827, 1833 and 1836. From 1823 to 1841 he was a magistrate of Bath county, and in the latter year became sheriff. From 1816 to 1846 he was connected with the Kentucky state militia, and rose from the rank of ensign to that of brigadier-general, in which capacity he served for ten years. In October, 1851, he removed with his family to Putnam county, Indiana, where he engaged in farming and lived a retired life. He died in his seventy-sixth year, near Bainbridge, Indiana, January 11, 1873, and was buried with Masonic honors, having been a member of the order for over fifty years.

He married Sally Lane, who was born in Montgomery county, Kentucky, March 15, 1816, and is now (1897) living with her son, Henry L. She was the youngest daughter of Colonel James Hardage Lane, who built the first house in Montgomery county, and is a sister of the late Hon. Henry S. Lane, the first Republican governor of Indiana, and subsequently United States senator from that state.

Henry Lane Stone began his education in his native county, but when nine years of age accompanied his parents on their removal to Indiana, where he attended the common schools and was also a student in an academy in Bainbridge. At the age of seventeen he began teaching and through a period of three years taught nineteen months, at different places in the northern part of Putnam county. In the winter of 1861–2 he was employed as a teacher in Bainbridge, and in the meantime had spent the winter of 1859–60 as a student in the law school in Indianapolis. After reading law for two years, when not engaged in teaching, and spending some time in the office of a distinguished judge and lawyer of Greencastle, Indiana, he was admitted to the bar, in May, 1862, and took the oath as a practicing attorney at law in the Putnam circuit court, when he was but twenty years of age!

The civil war, however, interrupted his professional labors. The Stone family was divided at that time, three of the brothers being soldiers in the Union army, while Henry L. and his father were adherents of the southern cause; and in September, 1862, the former entered the Confederate army, joining Company D, of the Ninth Kentucky Cavalry, which formed a part of General Morgan's command. He was on the celebrated raid into Kentucky in December, 1862, when a large portion of an Indiana regiment was captured, many of whom had been old friends and acquaintances of his in Putnam county. He was also on the famous Morgan raid into Indiana and Ohio, being with the advance guard commanded by Captain Thomas H. Hines. Being captured he was confined in Camp Morton, at Indianapolis, for a month, after which he was sent to Camp Douglas in Chicago, whence he succeeded in making his escape October 16, 1863. He made his way back to Bath

county, where he was again captured in November, 1863, at the house in which he was born. After remaining in the Mt. Sterling jail for two weeks he was started with other prisoners for Lexington, but in the night, at Winchester, he again made his escape. Finding it impossible to reach the Confederate lines, he went to Canada, where he remained four months, but returned to Kentucky and again joined the army. At the close of the war May 9, 1865, he was paroled at Augusta, Georgia, and returned to Bath county, Kentucky.

From July until November, 1865, he clerked in a dry-goods store at Ragland's Mill, on Licking river, occupying his spare time in reviewing his legal studies. After a short service as a salesman in a drug store at Owingsville, he began the practice of law there, January 1, 1866. In August of that year he was elected as a Democrat to the office of county attorney of Bath county, serving for four years. He formed a partnership for the practice of law with Hon. Newton P. Reid, formerly circuit judge of that district, in August, 1870, a relation that was maintained until 1875. In 1872 he was the Democratic elector for his congressional district, and made an active canvass, speaking in all but one of the fourteen counties of the district. In August, 1873, he was elected on the Democratic ticket to the state legislature from the district composed of Bath and Menefee counties, and served on several important committees. In 1876 he was active in the campaign in support of Tilden and Hendricks and was again chosen elector from his district.

For twelve years Mr. Stone continued a successful and prominent legal practitioner at the Owingsville bar and then removed to Mt. Sterling, where he entered into partnership with Hon. Richard Reid, which was continued until the election of Judge Reid to the bench of the superior court in August, 1882. Since April, 1885, Mr. Stone has been a member of the Louisville bar, and in August, 1889, formed the present partnership with Watson Andrews Sudduth. Their practice is extensive, their reputation enviable, and they are recognized as leading members of the Louisville bar. In November, 1896, he was elected city attorney of Louisville for a term of four years.

Of late years Mr. Stone has taken no active part in politics, preferring to devote his energies to the law, in every department of which he has acquitted himself ably and creditably under all circumstances. He is especially distinguished for his comprehensive knowledge of the principles of jurisprudence, his sound and logical reasoning, both in pleadings and arguments, his capacity for research and investigation, his accurate judgments and judicious counsels.

On the 21st of February, 1866, Mr. Stone was married in Montgomery county, Kentucky, to Pamela Lane Bourne. They have two children, May and Junius. For ten years Mr. Stone has been a member of the First Christian church of Louisville.

GEORGE NICHOLAS, lawyer, soldier and jurist, was probably born in James City county, Virginia, about 1743, and died at Lexington in 1799. His father, Robert Carter Nicholas, was a distinguished lawyer of that state, was treasurer of the colony of Virginia, a member of its council and of the house of burgesses.

George Nicholas commanded a company of Virginian troops in the Revolutionary

war, subsequently practiced law in Charlottesville, Albemarle county, was a leading member of the Virginia convention, assembled for the consideration and adoption of the constitution of the federal Union; was a member of the Virginia legislature from Albemarle county and had taken rank among the first men of that state long prior to his removal to Kentucky, in 1787; he settled in Mercer county, near Danville, and was a member of the constitutional convention which met in Danville in 1792 and framed the constitution under which Kentucky was admitted to the Union. Although that convention was composed of the best and most able men then living in the state, it has been claimed that he was the leader and brightest luminary of all. The first constitution of the state was largely his own suggestion, indeed he was reputed to be its author. He had, in Virginia, figured conspicuously in a similar convention, associated with such men as Madison, Randolph and Patrick Henry, and was soon established in the confidence of the people of Kentucky. He was the first attorney-general of Kentucky, appointed June 15, 1792, but served only about half a year. He spent the last years of his life in Lexington and became the first law professor in Transylvania University. He was preceptor of many illustrious men in the legal profession, Martin D. Hardin, Wm. T. Barry, Robert Wickliffe and others having been his pupils. Nicholas county was named in his honor. He was a man of great virtue and many noble traits of character, was universally beloved throughout the state and was one of the most distinguished men and lawyers in the early history of Kentucky.

His wife was Mary Smith, of Baltimore, Maryland, sister of Brigadier General Samuel Smith, of the Revolutionary army, and many times elected to both houses of congress; and also of Robert Smith, secretary of the navy under President Jefferson, and secretary of state under President Madison. Their youngest daughter became the wife of Richard Hawes, a lawyer and jurist of some celebrity in Bourbon county. Samuel Smith Nicholas, the youngest son, was born in Lexington, April 6, 1797, and was the youngest one of a family of thirteen children. His father's large estate was dissipated by the executors and in the payment of security debts, and of what was supposed to be a handsome fortune nothing remained for the widow and her children. His father died when he was but two years of age and his mother when he was ten. In his early boyhood he attended school near Danville for three or four years, which constituted his entire educational training. At the age of twelve he went to Baltimore, Maryland, to enter the employ of his uncle, General Samuel Smith, a wealthy shipping merchant of that city, and began work in the counting-house at the lowest round of the ladder. His fidelity and ability, however, secured him rapid advancement, and at the age of sixteen he was appointed supercargo of one of his uncle's merchant vessels, making a voyage to Peru and also to China, six years being consumed in the two trips. In the meantime he had improved in Latin and studied French, and while on these voyages he mastered the Spanish language. By the use of the different tongues and by the perusal of books written in those languages he retained his acquaintance with them through life.

His voyaging over, he embarked in commercial pursuits in New Orleans. He was unsuited for mercantile business and re-

turned to Kentucky, where he began the study of law under the direction of Chancellor George M. Bibb.

After his admission to the bar, Mr. Nicholas remained for a short time in Frankfort, and in 1825 removed to Louisville, where he practiced his profession as a partner of James W. Denny, who was attorney-general of Kentucky from 1825 to 1831. His success was marked and immediate, and he was appointed attorney of the United States Bank, then at the full meridian of its glory. In 1829 he married Matilda Prather, daughter of Thomas Prather, a rich merchant and prominent citizen of Louisville, the marriage proving doubly fortunate, as it brought him at the same time domestic happiness and pecuniary independence. Being thus left free to follow his own inclinations, and having a mind thoroughly judicial, he accepted, in 1831, the appointment of judge of the court of appeals, serving until 1836, when he resigned.

The following year Judge Nicholas was elected to the state legislature and the succeeding year was re-nominated, but was defeated, after which he would never again become a candidate before the people.

The Judge was not a popular man. His manner, save with his most intimate friends, and they were few, was ever reserved and austere. He was a sincere lover of the people, but it was collectively, not individually; he desired the advancement of the general welfare and public improvement, but would not use flattery or favor to obtain his ends. He spoke the truth as he believed it and the utterance was abrupt, but just. He was perfectly fair, but unimpassioned and cold; yet it is worthy of note that his manners were as attractive on the bench as repellant off. As a judge he was the mirror of courtesy and patience. The secret of this contradiction lies in the perfect obedience to the sense of duty that was the crown of his character. On the bench he was the sworn servant of justice; off the bench he was his own master. The difference between his deportment in the two stations measured, in fact, the strength of his grand integrity.

In 1844 Judge Nicholas was appointed by Governor Letcher chancellor of the Louisville chancery court and served until 1850, when the new constitution of that year made the judiciary elective, and he accordingly resigned. No jurist of Kentucky was probably ever better fitted for judicial duties, his freedom from strong personal feeling, his unimpassioned attitude toward people and things and his calm judgment fitting him peculiarly for the discharge of his duties, unbiased by any personal views or motives. His intellect was at once intuitive and logical, quick in thinking and patient in thinking out; his knowledge of the constitution was exact and thorough, and his respect for that instrument both as a law and as the law, profound almost to reverence; his powers of legal exposition were broad, keen and lucid; his integrity was absolutely incorruptible; his judgment, strong and clear, was impartial to a degree reached by few men of all that have lived; and his independence, alike of character and of intellect, was complete and fearless. He at one time said that there was only one office that he had ever permitted himself to covet, and that was a place on the United States supreme bench. President Johnson did offer him the nomination to a judgeship of the supreme court on the death of Judge John Catron, of Tennessee, but, believing that the Republican majority in the senate, ruffled by

his unsparing criticism of certain measures of their party, would refuse to confirm the selection, and not caring in his old age to figure as the recipient of a barren honor, he declined it.

One other service, and a signal one, he rendered to his profession, under the sanction of the state, before retiring finally from the bar, namely, the revision and arrangement of the statute laws of Kentucky, ordered by the new constitution of 1850, and in which, under the appointment of Governor John J. Crittenden, he was associated with Charles A. Wickliffe and Squire Turner. The commission made some very radical changes in the statute law of the state, particularly in the chapter on contracts and in that on husband and wife, both of which Judge Nicholas prepared; and, though neither was adopted exactly as he had prepared it, many of the most salutary features in these important branches of the code, not to speak of other branches, are the offspring of his bold and clear intelligence. That service closed his professional career. Judge Nicholas afterward devoted his time and talents to literary work. He wrote on questions of public interest, especially as regarded statecraft and the national policy. They were essays so just and cogent, informed by so pure and warm a love of country and of liberty, and discussing themes so vital to the public welfare, that they cannot fail to prove of immense benefit, though they were often not appreciated nor understood at the time written. While thus engaged he gave to the nation what has become famous as the "Nicholas presidential plan," for the election of the president, which has been discussed at length in congress and through the periodicals and press.

Judge Nicholas rarely exercised his right of franchise, and regretted the few times that he did so, for neither party platform entirely embodied his views and ofttimes contained measures to which he was strongly opposed. When he agreed with one party more than the other, he would advocate the doctrines he believed, keeping silent concerning the things he could not endorse, but at the polls voting for neither party. He was a close student of the public situation, and his foresight was phenomenal. In slavery he had long perceived the source of direful woes to the republic, and he advocated emancipation when the advocacy called for courage as well as sagacity, striving with equal zeal at the framing of the new constitution of Kentucky for an "open clause" that would authorize the legislature, under certain restrictions, to provide for gradual emancipation, and taking a controlling part in the convention held at Frankfort in 1849 to promote the insertion of such a clause in the organic law. Penetrating the folds of the slavery question, he saw the fruitage in the bud, and early foretold the civil war, with many of its political incidents, its issue, and some of its ulterior consequences, but his warnings were unheard or unheeded by his countrymen. Although he was not a favorite with the multitude, the few who knew him intimately liked him as a man; and with good reason, for, notwithstanding his formidable manner, he had the chief qualities that adorn manhood,—inflexible uprightness, stainless honor, courage, magnanimity, charity, humanity and purity. He died November 27, 1869, leaving behind him a record without a tarnish, a name without a blot.

His first wife died in 1844, and in 1849 he married Miss Mary Smith, his cousin, who survived him.

WILLIAM BEARD HOKE, of Louisville, was born in Jefferson county, Kentucky, August 1, 1838, his parents being Cornelius and Jane (Dunbar) Hoke. His early education was obtained in Mount Washington Academy, after which he pursued his studies at Center College at Danville, and later at Asbury (now DePauw) University. His choice of a profession which he wished to make his life-work fell on the law, and he began its study in 1857, in the office of Speed & Beatty, leading attorneys of Louisville, the senior partner, James Speed, afterward serving as attorney-general of the nation during President Lincoln's administration.

After preparatory reading Mr. Hoke matriculated at the Louisville Law School, where he was graduated in 1859 with the valedictorian honors of his class. The same year he began practice in the office of Colonel S. S. English. He is master of the science of jurisprudence, and from the commencement of his career as a lawyer he has enjoyed a large and lucrative patronage. His knowledge of law and his application of its principles, his careful preparation of cases and his power in argument combine to make him one of the strongest adversaries whom a legal opponent can meet.

Judge Hoke is probably best known to the public through his long service on the bench of the county court, his incumbency in that position covering the long period of twenty-eight years. He was first called to the office in 1866, being elected, without nomination, in a race against two Democratic candidates and one independent. When his first term had expired he was again elected, and was retained on the bench by re-election until 1893. His mind is analytical and inductive, and with a thorough and accurate knowledge of the law he combines a sound judgment that makes his decisions on the bench particularly free from bias. His fidelity to the trust reposed in him was certainly well indicated by his long service. In early life he gave his political allegiance to the Democratic party, which he has since supported. It was on this ticket that he was elected and re-elected. Judge Hoke was nominated by his party for alderman and also for the legislature, but declined to become the candidate, preferring his profession. In 1880 many friends urged him to become a candidate for congress, but this honor he also declined. In 1896 he was again urged to make the race for congress, also for judge of the circuit court, but refused to be a candidate for either position.

The same year in which he entered upon the practice of law Judge Hoke was united in marriage to Miss Whartie E. English, daughter of Colonel S. S. English. Their family numbers two sons and two daughters. To his wife and children the Judge has ever been most devoted, and home duties are to him a most sacred trust. He is an esteemed member of the Knights of Honor, having served two terms as supreme dictator, also of the Masonic fraternity. He is the president of the Kentucky Life & Accident Insurance Company, contributing largely to its success by his careful business management. In social and professional relations his life is as honorable and untarnished as is his official record; in manner he is most courteous and kindly, and to-day enjoys the respect of all, young and old, rich and poor.

JAMES EDWARD GAITHER, of Louisville, is a native of Hardin county, Kentucky, born June 1, 1853. His father, John Richard Gaither, was born in Washington

county, this state, and during his childhood removed to Hardin county where he married in early manhood, and then settled on a farm. His grandfather, Edward B. Gaither, was a physician of prominence in his county and when quite young served as captain in the war of 1812. The great-grandfather of our subject, Greenbury Gaither, removed from Montgomery county, Maryland, to Kentucky, in 1802. He had served as an officer in the war of the Revolution, as did John and Henry Gaither, all descendants of John Gaither, prominent in the colonial history of Maryland about 1630. His family was prominently represented in the late civil war; Burgess Gaither was a member of the Confederate congress from Georgia; George R. Gaither, a colonel of a Maryland regiment in the Confederate army; and Nathan Gaither was a member of the constitutional convention of Kentucky in 1849. The mother of our subject bore the maiden name of Ann Eliza Bland, and was a daughter of Henry Bland, of Hardin county, Kentucky, whose father, James Bland, emigrated from Fauquier county, Virginia, about 1800, and took up his residence in this state. Members of this family were prominent in Virginia in colonial days; one a member of the council of state; another a lieutenant-general under Nathaniel Bacon and associated with him in the rebellion against Governor Berkeley for refusing to suppress Indian outrages and otherwise oppressing the people. Members of this family are leaders now in business and political circles in the south and west.

James Edward Gaither attended the common schools of Hardin county, working on the farm in the seasons of vacation, and at the age of nineteen was graduated at the Lynnland College in Hardin county, in 1872, of which his father was one of the founders and a member of the board of visitors. After his graduation he was appointed deputy clerk of the Hardin county court, thus serving until 1876. He studied law during that time and in the centennial year was admitted to the bar upon examination by two judges of the court of appeals. He completed his legal education at the University of Virginia, during the season of 1877–8, and the following year began practice at Elizabethtown, Kentucky, where he remained until 1886, since which time he has been identified with the bar of Louisville as one of its leading members.

Mr. Gaither is a member of the Democratic county committee, and was mayor of the suburban town of Crescent Hill for a number of years. Other than such local and gratuitous service, he has refused to enter politics though frequently urged by his friends to do so. His retention as counsel on some of the leading cases that have come up for trial in the state demonstrates his high standing at the bar. He is a man of strong mentality, keen, analytical powers, and the mastery of any case entrusted to his care is shown by the skillful arrangement of facts and logical deductions and argument. He represented large interests in the celebrated case of the Central Trust Company, of New York, versus Richmond, Irvin & Beattyville Railroad Company in the United States district court for the district of Kentucky; was counsel in the case of Nehoff & Company versus Owensboro & Nashville Railroad Company, in the court of appeals of Kentucky, wherein the liability of common carriers as warehousemen in care of baggage is fixed, reported in the Kentucky Law Reporter. Mr. Gaither is chief attorney for the Columbia Building

and Loan Association of Louisville, and is attorney for the towns of Crescent Hill and Clifton, suburbs of Louisville, in cases against annexation of those towns to that city.

Mr. Gaither was married in 1881 to Miss Nannie Martin Kennedy, of Jefferson county, Kentucky, and they have one son, Thomas Richard Gaither.

ANTHONY JOSEPH CARROLL, legislator and lawyer, has had an unprecedented record as the chosen representative of his district in the general assembly, and the record is one that reflects the highest credit and honor upon him. He is one of Kentucky's native sons whose lives add luster to her good name. Born in Oldham county, September 2, 1864, he is a son of Anthony Joseph Carroll, Sr., who was born in Ireland and came to this state in 1845. He married Eliza Collins, who was born on the Emerald Isle, a daughter of James Collins, a capitalist of Dublin, who had extensive land holdings in America, especially in the vicinity of Louisville. In the family of Anthony C. Carroll, Sr., are three sons who have entered the legal profession, namely: John D. Carroll, of Newcastle, Kentucky, author of the code and statutes of the state; Charles Carroll, an attorney of Shepherdsville, Kentucky; and Anthony Joseph Carroll; while Thomas, the fourth brother, resides on the old homestead in Oldham county.

Mr. Carroll, whose name introduces this review, was educated in early life by his mother, a highly cultured and intellectual lady. Later he attended Funk Seminary, at La Grange, where he was graduated in 1881, after which he came to Louisville and accepted a position as reporter on the force of the Courier-Journal. He was connected with that journal as reporter and city editor until 1888, when he was transferred to the staff of the Times, the afternoon edition of the Courier-Journal. In 1891 Mr. Carroll was elected to the house of representatives from the sixth and seventh wards of Louisville, one of the smallest but the wealthiest legislative districts in the state. He served during that session and drew up the act regulating elections, thereby enforcing the Australian ballot system, and incorporating into the same the provisions regulating primary elections, which has been very efficient in purifying the ballot. In 1893 he was re-elected without opposition from the same district, and was nominated by the Democratic caucus by acclamation for speaker of the house,—the first time in the history of the house that the office was so filled, while Mr. Carroll was the youngest man ever so elected. He served as speaker in the session of 1894 and again made a record that is without precedent in the history of Kentucky legislation,—no appeal from his decision having ever been taken. In 1895 he was once more elected to represent his district in the general assembly. In the campaign he was opposed by a Republican nominee, who, however, withdrew before the election, and in view of this fact and the dissatisfaction expressed by the Republican press, as there was no opposing candidate at the election, Mr. Carroll refused to accept the office and resigned. His vote at the election in November was largely in excess of the vote given his party, and he was the only Democratic candidate elected in Louisville. His resignation left the legislature on joint ballot sixty-seven Democratic, sixty-eight Republican and two Pop-

ulists, one of whom voted with the Democratic and the other with the Republican members. Mr. Carroll, such was his high sense of honor, would not hold office about which there could be the slightest tincture of doubt as to the fairness aud legality of his election. A special election was ordered by the governor to take place in December, 1895. At this election Mr. Carroll, again the nominee of his party, was opposed by Charles A. Blatz, a Republican of wealth and excellent reputation and a prominent business man. On the election in this district depended the election of the United States senator for Kentucky, for if carried by the Republican party they would have had a majority on joint ballot. A mighty effort was therefore put forth and a vast amount of money expended by his opponents. The contest attracted the attention of the entire state. Mr. Carroll was again elected, by a majority of four hundred and fifty-two, although a larger vote, by over two hundred, was then polled than at the general election in November, showing the universal interest manifested by the people. Again the party made him their nominee for speaker of the house and also for the position of chairman of the "Democratic steering committee," having charge of all party and political questions in the legislature. It is not flattery to say that Mr. Carroll is one of the best parliamentarians in the entire country; his record as speaker shows this. His political record is free from all the questionable practices which have sometimes marred the fair fame of able party leaders. With him principle is ever above party and devotion to duty above personal aggrandizement. He was one of five Democrats who refused to vote for Senator Blackburn, and one of the eighteen who declined to enter the Democratic caucus which nominated that gentleman. He voted continuously for Mr. Carlisle in all the joint sessions held for the purpose of electing a senator from Kentucky.

One other action of Mr. Carroll's showed the steadfast honesty of the man in no uncertain way. During the canvass for office he was opposed by the organization known as the American Protective Association, on account of his refusal to grant them a private interview. The influence of this organization was felt in many districts of the state, and especially in Louisville, where the society was very strong. Mr. Carroll's was the only open denunciation of the order made by any candidate for office. The leaders of the society had proposed an interview, which should be entirely private, and in reply Mr. Carroll wrote: "Inasmuch as your proposed conference with me would necessarilly relate to my public record and my views on public questions, I could never give my consent to a 'strictly confidential' interview. It is my idea that public and political questions should be discussed and considered openly; that they are not the proper subjects for secret conclave or 'strictly confidential' interviews, and that no man's opinion should be formed or influenced by conditions or considerations which cannot bear the light of publicity and the careful scrutiny of all men.

"In this connection you will pardon me for saying that another consideration prompts my action in this matter, namely: That it offends my convictions and my judgment to engage in a secret conference with a committee of an organization which I believe to be a menace to our form of government, a blow at the very foundation of our political institutions, a slap in the

face of civil and religious liberty, and a direct and flagrant violation of the constitution of the United States, which we should all defend, venerate and respect, and which I, as a public officer, have taken an oath to uphold and obey."

While engaged in newspaper work, and during his first term in the legislature, Mr. Carroll studied law under the direction of Hon. Frank Hagan, and in the spring of 1894 was admitted to the bar and entered into partnership with Francis J. Hagan, a son of his preceptor, thus establishing the firm of Carroll & Hagan. Mr. Carroll has a civil practice which has assumed extensive proportions. He has represented the state in a large number of cases, and is the attorney for the Courier-Journal Job Printing Company, the Louisville Times and other extensive business concerns.

Socially he is connected with the Benevolent Protective Order of Elks. He was married June 6, 1894, to Miss Sarah F. Holt, a daughter of Chief Justice W. H. Holt, of Frankfort, Kentucky. Mrs. Carroll is a member of the Presbyterian church, and shares the esteem which is so universally accorded her husband.

PATRICK HENRY DARBY, of Louisville, brother of Franklin Wyatt Darby, whose sketch appears elsewhere in this volume, was born in Caldwell county, Kentucky, on the 23d of September, 1844, and acquired his education in Cumberland College, of Princeton, and at the University of Virginia. Later he entered the law department of the University of Michigan and after the completion of a thorough course of study was admitted to the bar in Princeton, in 1870.

From that time to the present he has been a conspicuous figure in legal circles and has been connected with some of the most important litigation of the state. He became attorney for the Elizabethtown & Paducah Railroad, serving from 1870 to 1877 as local attorney for that road for the counties of Caldwell, Lyon and Hopkins, while from 1877 until 1882 he was assistant general attorney and claim agent for the road. In the latter year he came to Louisville, where he has now made his home for fourteen years. From 1882 until 1886 he was attorney and claim agent for the Chesapeake, Ohio & Southwestern Railroad Company; and from 1886 until 1893 was division attorney for the Newport News, the Mississippi Valley and the Chesapeake, Ohio & Southwestern Railroad Companies, at Louisville. Since January, 1895, he has been the general attorney for the last named company.

He has made a specialty of corporation law, but is thoroughly well versed in all branches of his profession. There are no rules for building characters; there is no rule for achieving success; both come as the result of the working out of nature's endowments, the utilization of surrounding opportunties, above all the exercise of determined effort and honorable dealing. A man in this way wins the esteem of all with whom he comes in contact and secures for himself a measure of success. Learning, research, perseverance and energy have brought to Mr. Darby an enviable reputation as a legal practitioner, and he is widely known as a member of the state bar.

In 1870 was consummated the marriage of Mr. Darby and Miss Mary L. McNary, a daughter of Dr. T. L. McNary, of Princeton, Kentucky. They have three children,

Mary L., Nanny F. and Lucy. Mr. Darby is a Mason, while his religious belief connects him with the Presbyterian church.

JOHN GRAHAM SIMRALL, one of the ablest representatives of the Louisville bar, was born in Fayette county, March 18, 1840. His grandfather, Colonel James Simrall, raised his own regiment in Shelby county, fought in the war of 1812 and was promoted as general on the battlefield for gallant conduct. His grandmother, Rebecca Graham, was a descendant of the Grahams of Scotland, a younger branch of the Claverhouse family, who took refuge in this country from persecution for their religious beliefs.

His father, John Graham Simrall, was a noted Presbyterian divine. His mother was the daughter of Waller Bullock, a prominent farmer of Fayette county, who came of the same sturdy stock. She was noted for her great firmness of character and unchanging sense of duty, combined with a lovely disposition. With such heredity and environments he would naturally take a high place even in the bar of his native state, which has always been conspicuous for its superior talent and profound thinkers.

At the age of fourteen be became a student of Center College, at that time one of the foremost educational centers of the country. At seventeen he graduated with second honor in his class of forty-seven members, delivering his oration in Greek. Too young to commence the study of his chosen profession, his father placed him under Judge George Robertson, of Lexington, for a course in reading, history, law, etc. Judge Robertson, who was the most distinguished jurist of Kentucky, thoroughly drilled him for two years and left an impress upon Simrall's young mind that has followed him through life. He then entered the senior class of the Louisville Law School and graduated with honor in 1861. Within six months after finishing his law course he was offered a partnership by Judge William S. Bodley, one of the ablest and most distinguished members of the Louisville bar. He accepted the offer, which partnership continued, under the firm name of Bodley & Simrall, until Judge Bodley's death in 1878. Judge Simrall then took his former partner's son, Temple Bodley, into partnership with him under the name of Simrall & Bodley, which firm has continued until the present time, with the exception of the *interim*, when Judge Simrall was on the bench, making it the oldest law firm in Kentucky.

Judge Simrall's practice has been in the state and federal courts in Kentucky and in the superior court of the United States. It has been said of him: "He has probably no superior in the ranks of his profession in volume of business or substantial success in litigation."

In 1882 Mr. Simrall was appointed by Governor Blackburn vice-chancellor of the Louisville chancery court. In 1884 he was elected, for a six year's term, the first judge of the law and equity court. The high standing of Judge Simrall is shown by the fact that he had no opponent for the office, either in the ranks of the Democratic or Republican party. He served for three years and then resigned in order to resume the private practice of law with its richer emoluments and wider fields of usefulness. Upon his resignation one of the largest bar meetings ever held in Kentucky adopted resolutions of regret, endorsing him as one of the ablest and most upright judges the

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state has ever had. These resolutions were communicated to him in a very highly complimentary letter by ex-Attorney-General James Speed, who presided over the meeting.

During the visit of Chief Justice Coleridge, of England, to the United States, he visited Louisville and occupied the bench of the law and equity court with Judge Simrall during the trial of a case, and complimented Judge Simrall upon the administration of justice in his court, and subsequently they had a very important correspondence in regard to oral instructions to juries in the federal courts of this country and in the courts of England, as compared with the written instructions given by our state courts. They were warm personal friends until the death of Justice Coleridge.

Judge Simrall has not confined himself to the practice of law, but has been deeply interested in the educational interests of the state. He was one of the members of the first board of managers of the Agricultural & Mechanical School at Lexington, and rendered efficient service in making that one of the best institutions in the south. He was also one of the board of managers of the Colored Normal School at Frankfort, and has been untiring in his efforts to elevate the colored people of his native state.

In 1895 Judge Simrall was prevailed upon by his friends to become a candidate for the court of appeals. As stated in a former biography of Judge Simrall, "he was an independent Democratic candidate, but it was not a Democratic year, and he could not stoop to modern electioneering methods, believing that a high judicial office should not be trailed in the dust by political intrigue, so he cheerfully submitted to honorable defeat. It was an instance in which politics triumphed over the better judgment of the people. The acceptance of the office would have required great personal sacrifice on the part of Judge Simrall."

Judge Simrall married his cousin, Cornelia Smith, daughter of Thomas P. Smith, one of the oldest officers of the Louisville chancery court, and Cornelia Smith, a descendant of the old Graham family. Notwithstanding Mrs. Simrall has always been a very prominent society leader, in her home she has given her personal attention to the education of her daughter. She has been the organizer of several charitable societies, etc.

Judge and Mrs. Simrall have only one child, Nellie, who was educated partly in Europe, and, with her literary tastes which she naturally inherited from father and mother, married a short time ago Lindley S. Keasby, professor of the science of government at Bryn Mawr College.

SAMUEL B. KIRBY, of Louisville, is a native of Brunswick county, Virginia, born on the 9th of March, 1859, and is of Scotch-Irish and English lineage. His father also was born in Brunswick county, but his mother was a native of Maryland. The former served during the civil war as a soldier of the Confederacy, and at its close located in Louisville.

Samuel B. Kirby attended the city schools of Louisville, and began the study of law in the office of Judge Emmet Fields, of the common-pleas division of the Jefferson circuit court. He was graduated at the Louisville Law School in 1880, and thereupon began the practice of his chosen profes n, which he continued alone for thirteen years, meeting with excellent success in his undertakings and winning a reputation that en-

titles him to a place among the foremost lawyers of the city. In November, 1892, he entered into partnership with George Weissinger Smith, under the firm name of Kirby & Smith, which connection was dissolved in November, 1894. He has since been alone and now enjoys a distinctively representative clientage. As a general practitioner he pursues his profession in all its branches, and his legal learning, his strong mentality, his careful preparation and his powers as an orator have made him one of the leading members of the profession.

In his political views Mr. Kirby is a stalwart Democrat, and takes an active interest in party affairs. Socially he is connected with the Benevolent Protective Order of Elks and with the Knights of the Ancient Essenic Order. In manner he is rather reserved, and is entirely free from ostentation, is affable and courteous, and has earned and retains the respect of his fellow-members of the bar and of all whom he meets.

GEORGE WEISSINGER SMITH, of Louisville, was born in this city October 10, 1864. He attended the common schools here and was graduated at the high school with the class of 1883. He afterward entered the University of Virginia, where he pursued a three-years course, and then returned to his home and was graduated in the law department of the University of Louisville. In 1885 he studied in the office of Thomas W. Bullitt, a prominent attorney, and in the year 1886 was admitted to the bar. The following year he continued his studies in the office of Charles H. Gibson, and is now engaged in the active practice of his profession, enjoying a good business. He is one of the younger members of the Louisville bar, but his years are no limit to his ability. He has been connected with a number of the most important cases that have come up for trial in this district during the past seven years, one of which attracted wide-spread attention,—that of Williamson versus the Industrial School of Reform.

In his political affiliations Mr. Smith is a Democrat, and in his religious views a Presbyterian. In 1890 he was united in marriage with Miss Ellen C. Hunt, of Louisville, and they have three children, namely: Blanche W., five years of age; Hunt C., aged three; and Karl J., one year old.

JOHN CRITTENDEN RUSSELL, only son of Captain John W. Russell, was born in Franklin county, Kentucky, on June 30, 1849. He was the grandson of James Russell, who in 1796, with his wife and twelve children, left their home in Rockbridge county, Virginia, to make the long, perilous trip through the mountains over the famous wilderness road to Kentucky. James Russell served several years during the war for the independence of the colonies in the Virginia artillery from Rockbridge county. He was in the battle of Yorktown and many other battles under Generals Washington and Greene. A land warrant, No. 1,009, from the state of Virginia, was issued to him in consideration of his military services during the Revolutionary struggle, which warrant, however, he never located and would not accept. He settled in Franklin county, Kentucky, five miles from Frankfort, on Benson creek, where he remained during his life and devoted himself to farming until the time of his death, in 1849.

John W. Russell, son of James Russell

and the father of John C. Russell, was born in Rockbridge county, Virginia, and was only a few months old when his father came to Kentucky. At the outbreak of the war of 1812, he joined the Kentucky volunteers and enlisted in Captain Peter Dudley's company at Frankfort, continuing in the service during the whole war. He was among the Kentuckians in the charge at Fort Meigs, who were reprimanded by General William Henry Harrison for having an excess of courage and for their reckless impetuosity.

After the close of the war of 1812 he at once commenced his career as one of the pioneer steamboatmen on the Mississippi river. By his great courage and many daring adventures with pirates, who at. that early day infested the lower Mississippi, he soon rose to a great prominence and commanded, as captain, some of the largest and finest boats on the Mississippi river. On one occasion he had a personal encounter with La Fitte, the noted pirate, a full account of which, with many other thrilling incidents in his life, is given in his obituary written by George D. Prentice and published in the Louisville Journal of August 2, 1869.

Natchez under the hill was perhaps more infested with thieves, pirates and cutthroats than any other place on the Mississippi river. The passengers on steamers were frequently robbed at Natchez, and Captain Russell, as he was familiarly called, had given timely warning to all such characters that he would personally resent any such outrage attempted on any of his passengers. On one occasion, a passenger of Captain Russell's boat, while at the Natchez landing, walked into one of the little shops near the river bank and bought some trifling article, for which he threw down a fifty-dollar bill. The storekeeper contended that it was only a five dollar bill and gave the change accordingly. Captain Russell was appealed to by the wronged passenger and immediately demanded the restoration of the money. Upon the refusal of the storekeeper to comply with this request, he ordered his men to fasten the cable of the boat around the little store. This was done at once and the boat swung out into the river, the cable began to tighten, and it was apparent that in another moment the store and its contents would have been pulled into the river. Just at this juncture, however, the storekeeper ran frantically out of the house with the fifty dollar bill in his hands and implored Captain Russell not to pull his house into the river. The request was, of course, promptly granted.

He was elected to the Kentucky senate in 1846 from the counties of Franklin, Anderson and Shelby, and served until the expiration of his term in 1850. He was an intimate personal friend of John J. Crittenden (for whom his son was named), a Whig in politics and a devoted follower of Henry Clay. His mother and father were of Scotch descent, with an intermixture of Welsh. At forty-five years of age he married Ann M. Julian, whose father had recently removed to Kentucky from Fredericksburg, Virginia. The Julian family (originally St. Julien) were a French Huguenot family who fled to Scotland at the time of the massacre of St. Bartholomew. There they lived for more than a hundred years, marrying into Scotch families, until their descendants were more Scotch than French. About the year 1725 some of the family emigrated to America. Mrs. Russell was a devoted and working member of the Presbyterian church, and was superintendent of the Sunday-school of the

Franklin church, near Frankfort, for over ten years, there being no man in the congregation who would accept the position. She died in Frankfort in February, 1890, over twenty years after the death of her husband, which occurred on August 1, 1869.

John Crittenden Russell attended the private school of B. B. Sayre, of Frankfort, and afterward took a special course in the scientific department of Yale College. He graduated in the law department of the University of Louisville, in 1874, and immediately commenced the practice of law in Louisville, where he has always enjoyed a fair practice, chiefly a chancery business. He has for over ten years been a director of the Louisville Trust Company, and for the last five years on the executive committee of said institution. He is president of the Grahamton Manufacturing Company, vice-president of the Southern Electric Railroad Company of St. Louis, Missouri, a member of the Scotch-Irish Society of Kentucky, of the Sons of the American Revolution for Kentucky and of the Filson Club. He was chairman of the Democratic committee for the fifth district of the city of Louisville in 1895 and 1896, but resigned in the spring of 1896, when the Democratic party adopted a free-silver platform, afterward accepting the same position as chairman of the Democratic National party for the same district. His church membership is in the Second Presbyterian church, Louisville, of which he has also been one of the trustees for several years.

He married Lila P. Anderson, daughter of W. George Anderson, of Louisville, Kentucky, on the 27th of June, 1882. Mrs. Russell lived only about one year after the marriage, leaving one child, Lila Anderson Russell, who also died when eleven months of age. Mrs. Russell was a great favorite in social circles in Louisville and a devoted and active member of Christ church (Episcopal), Louisville.

BENJAMIN HELM BRISTOW, deceased.—Among Kentucky's citizens of national fame perhaps no one was more widely known or commanded higher respect from all classes than this gentleman. He was a lawyer of profound learning and one of the most eminent members of the legal profession; he occupied a position in the cabinet of President Grant, was solicitor general of the United States, and a man of stern integrity and honesty of purpose, who despised all unworthy or questionable methods to secure success in any undertaking or for any purpose, whether political or otherwise. Not even the tongue of calumny uttered a word to the contrary, nor did the malevolence of detraction dare to assail his private reputation. His name adorns the pages of history as one of the most brilliant representatives of that profession to which life, property, right and liberty must look for protection.

Benjamin H. Bristow was born in Elkton, Kentucky, June 20, 1832, a son of Francis Marion and Emily Helm Bristow. His father was one of the best known lawyers and politicians in southern Kentucky, was a member of the constitutional convention of 1849, and represented the third district of Kentucky in congress. His mother was a daughter of Benjamin and Mary Helm, the latter a sister of Ninian Edwards, the first governor of Illinois.

Having obtained his preliminary education in Elkton, Mr. Bristow was graduated in 1851 at Jefferson College, Canonsburg,

Pennsylvania. He was admitted to the bar in 1853 and practiced with his father until 1858, when he removed to Hopkinsville, Kentucky, and formed a partnership with Judge R. T. Petree. He soon achieved prominence at the Kentucky bar. In no other profession are such alertness of intellect, such ready command of resources, such untiring industry and such readiness for intellectual surprises required; and with a profound knowledge of the science of law, which an accurate memory placed always at his command, combined with close reasoning and superior powers of oratory, Mr. Bristow stood foremost among the lawyers of his native state.

But when treason was trailing the flag of the nation in the dust and aiming its thrusts at the heart of the republic, he joined the throngs which came from every avenue of life and took his place in the patriotic army. Casting his fortunes with the Union, in connection with Colonel Shackelford, he recruited the Twenty-fifth Kentucky Infantry Regiment, of which he was made lieutenant-colonel. He soon became noted for his coolness and bravery on the field of battle, and served with distinction in the engagements about Fort Henry and Fort Donelson and in the battle of Shiloh. At the latter action he was wounded, but after his recovery he was active in recruiting the Eighth Kentucky Cavalry Regiment, of which he was made colonel. He participated in the pursuit and capture of Morgan's raiders in Kentucky, Indiana and Ohio, and while in the field, in 1863, he was elected to the state senate. Other pressing claims, however, prevented him from giving the fullest attention to his legislative duties, and accordingly he resigned.

Upon November 2, 1865, Mr. Bristow was appointed to the office of assistant United States attorney for the district of Kentucky, and removed to Louisville. Upon May 4, 1866, he was appointed to the office of United States attorney for that district. Upon January 1, 1870, Mr. Bristow resigned from the office of United States attorney and formed a partnership for the practice of law with John M. Harlan, now (1897) one of the justices of the supreme court of the United States. Upon October 4, 1870, when the office of solicitor general was created by congress, Mr. Bristow was appointed by President Grant as the first incumbent. Upon November 12, 1872, he resigned the office of solicitor general and accepted an appointment as general counsel of the Texas & Pacific Railway Company, but retained that position only a short period, preferring the private practice of law in Louisville. Upon June 3, 1874, he was appointed by President Grant to the office of secretary of the treasury of the United States, and during the first year of his term he unearthed and exposed the frauds of the whisky ring, — a service of incalculable benefit to the country. His official acts as a member of the cabinet have become a matter of history, and suffice it to say that he ably discharged the onerous duties connected with the position following the disastrous consequences of the civil war. In 1876 his name was prominently mentioned in connection with the candidacy of the Republican party for the presidency.

Upon his retirement from the cabinet Mr. Bristow resumed the practice of law in Louisville and was a leading member of the Kentucky bar until 1878, when he removed to New York city, where he soon gathered about him a large and lucrative *clientele*. He became attorney for some of the most

prominent corporations of New York, and was recognized as one of the ablest jurists of that city. He was a lawyer of exceptional learning, tact and ability, and a man of singularly splendid mental endowments and substantial character. He left the impress of his brilliant mental power, his wonderful ability and his noble manhood on the affairs of state and the nation, and is one of the leading figures in the history of the country during the war and the reconstruction period.

Mr. Bristow married Abbie Slaughter Briscoe, in Elizabethtown, Kentucky, November 21, 1854, and had two children. His last illness was of only three days' duration and death came on June 22, 1896.

At a meeting of the bar of Louisville, convened for the purpose of taking action on his death, the following resolutions were passed :

"RESOLVED, That we, the members of the bench and bar of Louisville, deeply feeling the loss of our friend and brother, General Bristow, desire to formally testify our appreciation of his worth.

"As a citizen he was intensely loyal and patriotic ; as a member of this community he was respected and beloved for his courtesy, kindness and rigid honesty ; as an army officer he was brave and ever ready to perform his duties ; as a civil officer in times when it became necessary to antagonize his friends and fellow Kentuckians he rendered services as district attorney for this federal district faithfully, with zeal and ability, tempered by kindness and feeling ; as a member of this bar he ranked among the foremost of his profession ; and his removal from this city was a marked loss to the local bar and the community. His behavior toward the bench and his brethren at the bar was a notable and happy union of dignity and courtesy."

ERNEST MACPHERSON, of Louisville, was born in Lexington, Missouri, on the 10th of October, 1852, a son of Rev. C. G. and Maria E. (Gorin) Macpherson. The former, a minister of the Cumberland Presbyterian church and a native of North Carolina, descended from Scotch ancestors, who came to America about the middle of the eighteenth century. The mother is a native of Kentucky and of Huguenot lineage.

Mr. Macpherson, of this review, supplemented his early educational training by study in the West Tennessee College, of Jackson, Tennessee, where he was graduated with the degree of Master of Arts, and then entered the law department of Cumberland University, of Lebanon, Tennessee, completing the course and receiving the degree of Bachelor of Laws. Having been admitted to the bar, he began practice in Louisville in 1875. He acquired in the theoretical study of law a clear and correct conception of its principles and a just understanding of it as a science. Experience, research and diligent labor have broadened the elementary knowledge into a comprehensive acquaintance with legal reasoning and its multiform application. With faculties logical, acute and thoroughly disciplined, great industry and a mind inquisitive of information of all kinds, he is exceptionally well-equipped for his profession; and he has always exhibited in his practice one valuable and uncommon intellectual quality, which is, perhaps, his most striking characteristic,—the capacity for earnest, systematic and discriminating investigation of any subject on which he bestows attention.

Ernest Macpherson.

The zeal with which he has devoted his energies to his profession, the careful regard evinced for the interests of his clients, and an assiduous and unrelaxing attention to all the details of his cases, have brought him a large business and made him very successful in its conduct. His arguments have elicited warm commendation, not only from his associates at the bar, but also from the bench. He is a very able writer; his briefs always show wide research, careful thought, and the best and strongest reasons which can be urged for his contention, presented in cogent and logical form, and illustrated by a style unusually lucid and clear.

Mr. Macpherson's integrity of character and many generous qualities, together with his remarkably kind and cordial address, have won for him not only respect but great personal popularity. He is a loyal friend, worthy citizen, and a man absolutely true in word, act and every social relation. Mr. Macpherson has been active in the militia service of the state, and has been called upon to do duty in the field, where he acquitted himself with credit to the state.

JOHN KEMP GOODLOE, on the public life of Louisville, left an indelible impression. No citizen of the community was ever more respected and no man ever more fully enjoyed the confidence of the people or more richly deserved the esteem in which he was held. In his lifetime the people of his state, recognizing his merit, rejoiced in his advancement and in the honors to which he attained, and since his death they have cherished his memory, which remains as a blessed benediction to all who knew him. Honorable in business, loyal in citizenship, charitable in thought, kindly in action, true to every trust confided to his care, his life was the highest type of Christian manhood. He was one of the great lawyers of the southern bar who lives in the memories of his contemporaries, encircled with the halo of a gracious presence, charming personality, profound legal wisdom, purity of public and private life, and the quiet dignity of an ideal follower of his calling. He was many years in active practice at the Louisville bar, and comparatively few men endear themselves to so great an extent to their professional associates and to those with whom they come in contact in the discharge of public duties.

Mr. Goodloe was born in Columbia, Missouri, February 15, 1823. While yet an infant his widowed mother removed to Kentucky and he grew to manhood in the old commonwealth of which his ancestors helped to lay the foundation, devoted manys years of his life to her service, and rests with her distinguished dead. He was descended from an honored and distinguished line, prominent in all the upper walks of life, and in those labors which developed the western civilization. The Goodloe family, of Saxon origin, was founded in America by George Goodloe, who, with his brother Robert, left England about 1740, and took up his residence in Spottsylvania county, Virginia, then a province of Great Britain. He married a Miss Minor and his son Henry married a Miss Kemp, a relationship which is indicated in the names handed down in the family. Henry Goodloe had three sons who removed from Virginia to Kentucky during the pioneer epoch, two of the number becoming residents of Hopkins county. The other brother, Vivian Goodloe, the grandfather of John Kemp Goodloe, located in Woodford county, where he had large

landed interests and dispensed the old-time southern hospitality for which Kentucky homes have ever been so justly noted. He married Dorothy Tompkins, sister of Judge Christopher Tompkins, an eminent lawyer and United States senator. Their son, Kemp Minor Goodloe, father of our subject, was a soldier of the war of 1812, being a member of the famous company commanded by Captain Nat. Hart, which was mustered into Colonel Lewis' Kentucky regiment, August 15, 1812. Henry Clay delivered an address to this company at Georgetown, Kentucky, from which place it marched to Big Bone Springs, in Boone county, crossed the Ohio river and proceeded northward to give battle to the combined British and Indian forces on the northern frontier. Captain Hart and all but thirteen of the company fell in the battle of the River Raisin January 22, 1813. Mr. Goodloe was one of the survivors and was taken prisoner by the British and their Indian allies under command of Colonel Proctor. Kemp Minor Goodloe married Harriet Harris, one of the most brilliant and accomplished women of the south.

On the maternal side Mr. Goodloe was descended from an ancestry renowned alike in England and America. His mother was a granddaughter of Colonel John Logan, who three times represented Kentucky in the Virginia legislature, before the admission of this commonwealth into the Union, became the first treasurer of the state and aided largely in molding the policy and shaping the government of Kentucky. Mrs. Goodloe had seven brothers who were distinguished at the bar, and came of a family which has been represented in one branch or the other of our national congress since the establishment of that body. Far back into the history of Great Britain the ancestry of the Harris family can be traced. The earliest representative of the family of whom there is authentic record lived in Glamorganshire, in South Wales. They were ancient Britons who suffered persecution on account of their religious faith, and in consequence were forced to fly to Brittany. Retaining their language, customs and religion, they remained in Brittany after it became a part of France and were numbered with those French Puritans who received the name of Huguenots. When that sect was driven out of France, the Harrises fled to England, where they remained for a time, and in 1690 John, Edward and Jordan Harris came to Virginia, taking possession of a tract of land ten miles square on the James river, in what later became Powhatan county, which had been granted to them by William and Mary, then the reigning monarchs of England. From John Harris was descended Mrs. Kemp Minor Goodloe, whose great-grandfather married Elizabeth Washington. Through this union she was a descendant also of the renowned English family which gave to the country the first president of the United States. The Washingtons served with distinction under various English sovereigns and were especial favorites with King Charles I. In 1657 John and Lawrence Washington were participants in a revolt against Cromwell, and soon afterward, finding it necessary to leave the country, they came to America and settled in what afterward became Westmoreland county, Virginia. From this John Washington was descended in direct line Elizabeth Washington, the great-great-grandmother of John Kemp Goodloe.

Every family is proud—and justly so—of an honorable ancestry, and John Kemp

Goodloe sprang from such. The blood of courageous men and true women flowed in his veins, and his intellectual abilities were brilliant and versatile. During his childhood he enjoyed the advantages of the free, untrammeled life of the farm, learning from nature of liberty, beauty and strength. As a boy he attended the common schools of the neighborhood, but afterward pursued a classical course of study which awoke within him a just and unusual appreciation of what was best in literature. He was eminently fitted for professional life and chose that calling to which many of Kentucky's most gifted sons have devoted their energies,—the law,—beginning his studies in the office of Judge Thomas B. Monroe, of Frankfort, who carefully directed his reading until he was prepared for active practice. Mr. Goodloe was admitted to the bar and began the practice of law in Versailles, Kentucky, when twenty-one years of age. For two years he continued his active connection with the bar and then entered the soldier's camp as a defender of his country, at war with Mexico. It was in 1846 that he joined a cavalry company recruited by Thomas F. Marshall, who was then a leading member of the Versailles bar, and joined his forces with the regiment in command of Colonel Humphrey Marshall. Mr. Goodloe made for himself a military record conspicuous for his gallantry and valor. When he learned that his company would not be engaged in the battle of Buena Vista, he joined a command that was ordered to take part in the engagement and was in the thickest of the fight until badly wounded. His meritorious conduct and bravery won him the commendation of his superior officers.

In 1847 Mr. Goodloe returned to Kentucky and again became a practitioner at the Versailles bar, where he soon attained to distinctive honors. He was also called to public life, and rendered to his district able service in the lower house of the state legislature, where he was recognized as a valued and influential member. He served continuously from 1856 until 1861 in the house of representatives, and in the latter year was elected to the state senate, retaining that incumbency until 1864. Thus he was a member of the general assembly during the momentous period preceding the civil war and while that struggle was in progress. Here the true character of Mr. Goodloe was shown in all its nobility. Before the war he was a recognized leader among the legislators of that period, serving on the most important committees, particularly the judiciary, and was active in promoting the legislation which his sound judgment told him would best promote the interests of the commonwealth. When the question of secession became the paramount issue he took his stand in defense of the Union which his forefathers had aided in establishing, and which he, as a public official, had sworn to uphold. He was a lover of justice, an opponent of oppression, a man of broad, humanitarian principles, and at the beginning of the war he offered to his slaves their freedom, which, however, they refused. What higher tribute to his kindly and beneficent nature could be given than the statement of this fact,—the refusal of those in bondage to accept their liberty at the hands of one from whom they had never received aught but kindness and generosity? Believing it his duty, as well as his pleasure, he ever afterward assisted in providing for those who had thus manifested their loyalty and gratitude to him.

With the outbreak of the rebellion Mr.

Goodloe, chivalrous by nature, offered his service to the military department, receiving a staff appointment as colonel; but the Union leaders of the state urged him to retain his place in the senate, where he wielded such a potent influence in behalf of the Union. All through those trying times he stood firm in defense of the national government, and many others were led to follow his example and that of other eminent leaders of the legislature until Kentucky finally announced her loyalty and offered her allegiance to the national government. Though not in active service, Mr. Goodloe was aide to General Robert Anderson when in command of the Union forces in Kentucky, and in the autumn of 1861 he joined Generals Shackleford, Bristow and Jackson on Green river, and was engaged in forming brigades, getting battalions ready and otherwise fitting the troops for active service in the field. The south was his country and he loved its people, its customs and its associations, although regretting its attitude toward the national government at that period. If it had been possible, he would have preferred honorable and just concession rather than war; but it was not to be, and he stood firm in his loyalty. As a leader of the senate this idea was ever uppermost in his mind, and his diplomatic methods, his courteous treatment of those who differed from him in his political views, his keen perception of the trend of events, his constant vigilance and prompt action when necessary, combined to make him one of the most powerful factors in shaping the events of that period in Kentucky. Strong as were his convictions that the rebellion should be suppressed, he would vote for no legislation which he deemed unauthorized by the state and national constitutions, and hence he refused to support what was termed the expatriation law of 1862.

Notwithstanding the feeling of bitterness which prevailed during those years, Mr. Goodloe commanded the respect and admiration of his political opponents as well as those who were allied with him in that great struggle. One who was most familiar with this portion of his career has said: "I do not recall a single instance of an unkind word being said about him in my presence. If he had been an insignificant man of merely negative qualities, this might have been in no wise astonishing; but in thinking it over, it has seemed to me that such a fact was, of itself, a most exalted and rare tribute to a man of high intellectual endowment, enriched by study and reflection, and whose convictions upon every great public question were strong and positive, and of the character likely to be found in one who had inherited moral and intellectual strength and fiber from the good old pioneer stock, to which Kentucky is so much indebted. I attributed the fact I have mentioned to the circumstances, namely, that his characteristics of head and heart were of the noblest sort, and that his justness, his cheerfulness and his urbanity were abiding and unfailing."

For a time before the close of the war Mr. Goodloe resumed his labors in connection with his profession and occupied the position of assistant United States attorney for Kentucky. Just before the close of the sanguinary struggle he was appointed, by President Lincoln, United States district attorney for the state of Louisiana. For one year he discharged the duties of that office with marked fidelity and ability, after which he returned to Kentucky, locating at Louisville, where he remained in active practice until the close of his life. For

some years he was associated professionally with Hon. John W. Barr, who later became judge of the United States court for the district of Kentucky. Alexander P. Humphrey and Hon. John Roberts also practiced in partnership with him. Later he formed a partnership with John W. Barr, Jr., son of Judge Barr, previously mentioned, and this relation was continued until Mr. Goodloe's death, February 12, 1892. Great thoroughness characterized the work of Mr. Goodloe in every walk of life and was an important element in his professional success. His clientage was extensive and of a high character. He was thoroughly versed in every branch of the law and his knowledge of the science of jurisprudence was most profound; but his attention was given mostly to corporation law, the intricate questions giving ample scope for the exercise of his peculiarly powerful legal talents. He was entrusted with the handling of large estates and the involved interests of extensive corporations. All recognized his ability, his skill as a practitioner, his knowledge of the law, his sound practical judgment and his absolute integrity. At all times and on all occasions he fully upheld the majesty of the law. In the courtroom he had that quiet and calm demeanor which arises from thorough familiarity with the points at issue and indicates a reserve force which nothing can conquer. His love of justice and right was inherent, and with the intensity of a strong nature he abhorred wrong and dissimulation in the abstract, while possessing the broadest charity for the misguided one. A friend said of him: "When contending for the rights of his clients, his fine countenance would glow with animation, and the strength of feeling beneath the perfect self-control and calmness of his manner presented the finest type of true, effective oratory." As a corporation lawyer, having a practice as large, perhaps larger, than any other member of the Kentucky bar, he became closely identified with corporate interests and held many official positions in leading southern corporations. Aside from these, however, he declined all official preferment.

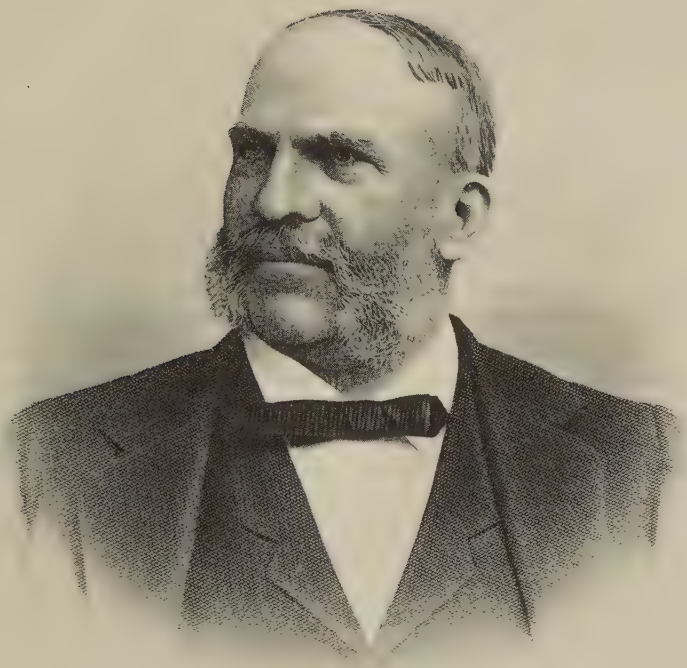
Mr. Goodloe was married in the year 1848 to Ann W. Lockett and they had two children, both now deceased. Mrs. Goodloe died in 1852, and in 1863 Judge Goodloe married Mary L. Shouse, of Woodford county, who with two sons and three daughters survives her husband. She is a granddaughter of Goodloe Carter, a descendant of that family so eminent in Virginia history.

Mr. Goodloe was a consistent member of the Christian church, and although his business made such heavy demand upon his time he ever found opportunity to carry into practice the principles he believed, and made manifest his religion in a quiet but liberal charity. His companionship was sought by the highest and most able men of the state, who prized his friendship and counsel. One who knew him well said of him: "His natural endowments were a quick and strong temper and a warm heart, a gentle manner and a quiet courtesy. To control the first and to make his life the flower and expression of the other traits was the task which nature had assigned him. We know nothing of the struggle, but were daily witnesses of the victory. Kindness was the motive of his life. He had a well-spring of affection and a quick and generous sympathy which increased by giving, and became richer by being a very spendthrift. Death came to him in the midst of a useful career. With the hope of improving his health he went to Georgia,

but died, in Thomasville, that state. The remains were brought to Louisville and laid to rest where tender tributes were paid to the memory of a life so noble and so honorable. Of him it was lovingly said that "his death brought regret to the entire community in which his engaging personality, his lofty character and exceptional attainments made him observed of all men. With face clean-cut as a cameo in a setting of snow-white hair, he was a man that no observer of men passed on the street without a second look and a favorable impression. Like all who walk through life on a higher plain than the great majority of his fellows, his companionship was select, rather than large; but the many who looked up to and respected him realized as fully as did the few who were nearer him that a true man had fallen."

THOMAS W. BULLITT, of Louisville, was born at Oxmoor, Jefferson county, Kentucky, on the 17th of May, 1838, and is a representative of a family whose long and honorable identification with the history of Kentucky has indelibly engraved its name upon the annals of the state. His remote ancestry were of that religious class known as French Huguenots, and one of the number,—by name Joseph Bullitt,—left his native France in 1685 and took up his residence at Port Tobacco, Maryland, on the Chesapeake bay, thus founding the family on American soil. His son, Benjamin Bullitt, the great-great-grandfather of Colonel Bullitt, followed the peaceful pursuits of the farm in Virginia, and the great-grandfather, Cuthbert Bullitt, was an eminent jurist of the Old Dominion and was occupying a place on the bench of the supreme court of that state at the time of his death. In the history of Kentucky Alexander Scott Bullitt, the grandfather of the Colonel, became a conspicuous figure, winning renown in connection with the executive department of the state. He was born in Prince William county, Virginia, and about the time he attained his majority came to Kentucky, in 1783. Here he purchased one thousand acres of land, calling the place Oxmoor, and the old family homestead has since been in possession of his descendants. His prominence in public affairs is shown by the fact that he occupied the exalted position of president of the convention which framed the constitution of Kentucky in 1799 and was the first lieutenant governor of the state under that constitution. He died in 1816 and was laid to rest in the old family burying-ground,—the oldest cemetery in Kentucky,—where now sleep all the descendants of this worthy pioneer and honored statesman. In 1785 he had married a daughter of Colonel William Christian, whose wife was a sister of Patrick Henry, the renowned patriot and statesman of Virginia.

William Christian Bullitt, father of Colonel Bullitt of this review, was born at Oxmoor in 1793 and spent the greater part of his life there as a leading planter. For only a short period did he leave the old homestead, and during that time he resided in Louisville, engaged in the practice of law, but ill health forced him to abandon the profession. His deep interest in questions of the day that concerned the welfare of state and nation was strongly felt, yet he never sought the honors of public office. He, however, served as a member of the constitutional convention of 1849–50, where he labored earnestly for the adoption of a constitution that would prove a firm foundation on which to rest



Yours truly

Thomas W. Bullock

the commonwealth. In early life he advocated Whig principles, but in 1852 supported Franklin Pierce for the presidency and was afterward a stalwart Democrat. He married Mildred Ann Fry, a native of Albemarle county, Virginia, who when three years old came to Kentucky with her parents, Joshua and Peachy (Walker) Fry, who settled at Danville. She possessed a beautiful Christian character and held a membership in the Presbyterian church. With her husband she delighted to extend the warm welcome of their truly hospitable home to their many friends and to the traveler who found rest within their gates, and Oxmoor was usually filled with a happy party enjoying the many pleasures which formed the charm of Kentucky home-life a half century ago and won the state its reputation for hospitality. William Christian Bullitt died at the residence of his daughter, Mrs. Henry Chenowith, near Oxmoor, August 28, 1877, at the age of eighty-four years, and his wife died in 1879, aged eighty-one years.

Surrounded by the influences of a cultured home, Thomas W. Bullitt passed his childhood and youth, and his elementary education was acquired there and in attendance on the common schools of the neighborhood. He afterward entered Center College, where he was graduated in 1858, and in order to prepare for the legal profession he went to Philadelphia, where he read law with the aid of his brother, John C. Bullitt. His course was completed in the law department of the University of Pennsylvania, and in 1861 he was licensed to practice at the Philadelphia bar, where he entered upon his professional career in the office of his brother. The war, however, was now in progress, and his sympathies were all with the south. He remained with his brother only a few months and in the spring of 1862 returned to Kentucky, where he offered his services to the Confederacy, joining the forces under General John Morgan. He later accompanied that dashing officer in his Ohio raid and was captured, landing with Morgan and his officers in the Ohio penitentiary. Several of his comrades afterward succeeded in effecting an escape, but he remained in prison at Columbus for eight months, after which he was transferred to Fort Delaware and detained there until within a month of the close of the war, when he was paroled and sent to Richmond.

On the restoration of peace Colonel Bullitt established himself in the practice of law in Louisville, where at the bar he has won high honor, becoming distinguished as one of its most successful and brilliant members. His specialty has been corporation law, and his mastery and skillful handling of the intricate problems therein involved have won him a large patronage, and he now handles the legal business of a number of large corporations, banks, railroads and other enterprises. In a number of these companies he is also a director, and his varied business ability is manifest in the Fidelity Trust Company of Louisville, of which he was the organizer. This was the first trust company formed west of the Alleghanies, and afterward he organized the Kentucky Title Company, in which he is a director.

In 1871 Colonel Bullitt married Anna Priscilla Logan, daughter of Hon. Caleb Logan, of the Louisville chancery court. Her mother was the daughter of Dr. Louis Marshall, a brother of Chief Justice John Marshall. Their six living children are: William Marshall, James B., Agatha M., Alexander S., Keith L. and Myra L.

Colonel Bullitt belongs to the Presbyterian church, and contributes liberally to the support of church and charitable work. His political faith is in harmony with Democratic principles, but his time and attention is given to the law, and his talents adorn the profession which has had so many eminent representatives in Kentucky.

CHARLES HANSFORD SHEILD, of Louisville, is one of Virginia's native sons, born in Fauquier county, on the 4th of November, 1857. To one of the most ancient English families he traces his ancestry, for representatives of the name followed their Norman leader, William the Conquerer, to England in 1066 and there established an ancestral home. Prior to the war of the Revolution the family was founded in America by those who left the "merrie isle" and took up their residence in Virginia. The grandparents of C. H. Sheild were Charles H. and Susan (Walke) Sheild, the former a commission merchant of Norfolk, Virginia. The father, Rev. Charles H. Sheild, D. D., was a very prominent divine of the Protestant Episcopal church. He acquired a liberal education in William and Mary College, where he was graduated and entered upon his ministerial labors in Fauquier county, Virginia. His broad scholarship, superior oratorical ability, and his earnestness of purpose and godly life made him a strong and able preacher. He was rector of St. Andrews church, of Louisville, from 1870 until 1883, after which he retired from the active work of the ministry. He died in Baltimore, Maryland, on the 16th of January, 1894. His wife, Jane Cary Barton, belonged to one of the prominent old families of the south. She was a daughter of David W. Barton, of Winchester, Virginia, and on the maternal side was related to the Marshall family, of Virginia, her mother being Jane Cary Randolph Jones, whose connection with the Randolph and Cary families—two of the most influential and leading families in the state—is shown forth in her name.

Charles Hansford Sheild, of Louisville, spent the days of his youth in the state of his nativity and was provided with superior educational privileges to fit him for life's practical duties. He was graduated in the classical department of the University of Virginia in the class of 1878, after which he entered the law department and was graduated there in 1880. The same year Mr. Sheild returned to Louisville, and entered the law office of Bullitt & Harris, where with one of the most prominent law firms of the state he gained that practical knowledge that has enabled him to secure a foremost place at the Louisville bar. In January, 1886, when Judge W. O. Harris was raised to the bench, Mr. Sheild entered into partnership with Thomas W. Bullitt and the connection has since continued. Although he is known as a general practitioner, his attention is largely given to corporation cases, and he meets the intricate and involved questions of corporation law in a masterful way that shows he is fully competent to manage the interests entrusted to his care. Although his preference is for civil practice, he has, however, appeared for the defense or prosecution on some of the most noted criminal cases in connection with the Louisville courts. He is one who holds that purity in law practice is co-equal with legal learning, and he has the principle to emphasize it when occasion demands.

Various interests of Louisville have

claimed his attention, support, and wise direction, and he is now vice-president of the Louisville Warehouse & Transfer Company, president of the Kentucky Hotel Company, director of the Kentucky Guarantee Company, and attorney for the Kentucky Title Company. Thus, by his interest in various business enterprises, he has not only advanced individual prosperity, but has promoted the material welfare of the city.

Mr. Sheild was married December 27, 1887, to Miss Lizzie Vance, daughter of Hamilton Vance, of New Orleans, Louisiana, a cotton merchant of that city. They have two children—Margaret Johnston and Charles Hansford. Mr. Sheild belongs to the Protestant Episcopal church, and is vestryman of St. Andrews. His own honesty of life and loftiness of principle are manifest in his law practice, and he believes fully in maintaining the dignity of the bench and bar wherein rests the protection of human rights and liberities.

HENRY PIRTLE, of Louisville, lawyer and jurist, was born near Springfield, Washington county, Kentucky, November 5, 1798, the son of John and Amelia (Fitzpatrick) Pirtle. His father was a native of Berkeley county, Virginia, where he was born in 1772, and when still a youth moved to southwestern Virginia, near Abingdon. Here at the age of twenty he married and at once came to Kentucky and settled in Washington county, which was his home until his death. At twenty-one he became a Methodist preacher, and was one of the pioneers of that church who zealously advocated its cause. To the duties of a minister he added also those of a teacher and surveyor. He was a man of strong intellect, improved by study, and he early implanted in his son a love of knowledge which never flagged.

Supplementing the instruction given him by his father with the opportunities afforded by the schools of the neighborhood, Henry Pirtle succeeded in obtaining a good education, combined with habits of patient study and investigation. The latter acquirements were especially developed and fostered by his father, who was a skilled mathematician, as evidenced by a manuscript work on mathematics as applied to surveying, containing a full table of logarithms calculated by himself for his own use. His mother was a gentle, amiable woman, with all the courage of a pioneer matron, who braved the dangers of the wilderness to found a home in the infant state of Kentucky. Blessed with such parents and reared in the atmosphere of a pious and hospitable home, where all the leading Methodist preachers and men of intellect found a hearty welcome, young Pirtle grew up under influences which left an indelible impress upon his character and formed the key-note of his afterlife in his strong ambition to excel in all things.

When eighteen years of age, John Rowan —then one of the most prominent members of the Kentucky bar—invited him to make his home with him at his residence, near Bardstown, and study law. Accepting this generous proposition, he pursued his studies for three years, enjoying at the same time the advantages of a large classical library and the companionship and counsel of a profound scholar and enlightened statesman. When, in 1819, he left the roof of his friend and patron and received his license to practice law, Judge Rowan pronounced him the best equipped lawyer of his age he had ever seen. His first experience in practice was

in Hartford, Ohio county, Kentucky, where he early took rank with the leading members of the bar and soon acquired a business not limited to his county or judicial district. While thus engaged he was attracted to Louisville by the growing prominence of the city, and in 1825 he moved there, and it became his residence for the remainder of his life.

Although but twenty-seven years of age, Mr. Pirtle was, shortly after becoming a member of the bar of Louisville, appointed by Governor Desha judge of the circuit court, a position which he filled for seven years with acceptability to the profession and honor to himself. Although the appointment was during good behavior and practically a life office, he felt impelled to resign, on account of the meagerness of its salary, for in 1829 he had married, and his pay was inadequate for his support. He resumed his profession and soon had a large and valuable practice, adhering to it strictly until 1850, except for a short interval in 1846, when he served as circuit judge under a commission pending a permanent appointment, and two terms in the legislature,—from 1840 to 1842. His first law partner was Larz Anderson, brother of General Robert Anderson, of the United States Army; but upon the latter's removal to Cincinnati in 1835 he formed a partnership with James Speed, afterward United States attorney-general in the cabinets of Lincoln and Johnson. This association—marked by the largest success as well as the strongest friendship, indicated by each naming a son after the other—continued until 1850, when Judge Pirtle was appointed chancellor, and then elected at the first election under the new constitution. After serving six years on the bench, he resumed practice, with Bland Ballard, until 1860, when Judge Ballard became United States district judge. Judge Pirtle then entered into partnership with John Roberts. In 1862 he was again elected chancellor, and served until 1868. He had served on the bench twenty years and had reached the age of seventy, but was still vigorous in mind and body, though for the remaining years of his active life he confined his legal practice to office consultation, and gave his attention chiefly to his duties as a professor of law.

In 1846, upon the organization of the law department of the University of Louisville, he was chosen professor of equity and constitutional law and commercial law, his colleagues being Preston S. Loughborough and Garnett Duncan. He continued to discharge the duties of a patient, honored and beloved instructor until 1873, when he was made emeritus professor, continuing as such until his death. As a lecturer and teacher of law Judge Pirtle had few superiors in any country; and thousands of lawyers in Kentucky and other states, who have brought honor to their profession, in words as in practical results, have borne testimony to his influence in storing their minds with sound precepts of law and impressing upon them the lofty responsibilities attaching to their profession. The very presence of the distinguished Judge inspired all with his own sense of the sacred dignity of the law, while his benevolent and kindly disposition invited the fullest confidence in approaching him for explanation of any abstruse points. He taught, not to display his own learning, which was thorough and profound; he lectured, not to excite the wonder of his class at the depth of his wisdom and the intricacies of the law, incomprehensible to a novice, but in all forms of communicating with his

class he strove to make the principles of law plain, and their application easy of understanding. Long familiarity with the law, its enactment, its practice and its interpretation had fitted him with admirable equipment as a teacher, although it was to his experience and ability as a judge, both of common law and equity, that he was chiefly indebted for his great success as an instructor.

As a jurist Judge Pirtle early evinced the highest capacity for original investigation and interpretation of the law. His mind was early skilled in logical reasoning, which enabled him to solve a legal complexity as easily as a problem in Euclid. As a lawyer he was not one who relied upon antecedent cases but went down to the fundamental principles and applied them to the case in hand, whether similar questions had been adjudicated adversely or not. This element of his judicial mind was well illustrated in his decision in a Meade county case, in 1827, when he held that upon the arrest of judgment for defect in the indictment the prisoner should not be discharged but be held to await a new indictment. Prior to that time, in such cases, the accused had been set free, under the constitutional clause that no man should be twice placed in jeopardy for the same offense, and thus many vicious men were discharged upon a technicality. Judge Pirtle maintained that the party was not put in jeopardy on a bad indictment, and, although there was temporary opposition to the new ruling, it has remained the undisputed law of criminal practice in Kentucky ever since. In 1833 Judge Pirtle published a digest of the decisions of the court of appeals from its organization to date, which was a valuable compilation for the bar.

In all matters affecting the welfare of society and the advancement of knowledge and religion, Judge Pirtle took an active and leading part. He was president of the old Kentucky Historical Society, incorporated in 1838, of which his friend, Judge Rowan, was the first president; and, through his great care and interest in its objects, was preserved and ultimately published the autograph letter of George Rogers Clark to George Mason, of Virginia, giving a detailed account of the capture of Kaskaskia and Vincennes,—written shortly after the event,—being a complete history of the campaign and an exceedingly valuable addition to the historical archives of the country.

A man of such character as is portrayed in this sketch could not have been other than a good Christian. One who knew him well has said of him that "he studied theology as he did law, and was deeply learned in the history of Christianity. For several years he taught a class of young men in the Sunday-school with the same ample learning and research with which he taught his law students. The teachings of his pious parents had been engrafted on a nature inherently inclined to religious thought and devotion, and he accepted, after deliberate examination for himself, the truth of revealed religion. Unobtrusive in his views and conscious of the difficulties of belief, he was charitable toward the doubts of others and liberal toward those who differed with him in faith." He was a Unitarian in religious faith and a member of the church of the Messiah.

On the 28th of March, 1880, full of years and honor, Judge Pirtle sank to rest, universally honored and beloved. For more than half a century he had dwelt among his people and had seen Louisville of a few

thousand inhabitants expand into a great city, with all the adjuncts and appliances of advanced civilization; and while he contributed largely to every element of this greatness, the monument which will long commemorate his name is the admirable judicial system and equity jurisprudence which he contributed so greatly to build up and adorn. At his death there was every becoming manifestation of respect on the part of the bar, the bench, the civil authorities and the community at large, and his memory is still cherished as a grateful inheritance.

JAMES SPEED PIRTLE.—The name of Pirtle is inseparably connected with the judicial history of Kentucky, and Judge Henry Pirtle and Judge James S. Pirtle—father and son—have been pre-eminent in sustaining the dignity of the law, which is the type of that divine justice which is meted out to every individual.

James Speed Pirtle was born in Louisville, November 8, 1840. His father was a native of Washington county, Kentucky, and for more than fifty years was a leading lawyer of Louisville. His mother was Jane Ann Pirtle, daughter of Dr. Coleman Rogers and a sister of Dr. Lewis Rogers, eminent physicians of Louisville. He obtained his early education in the public schools of Louisville, and was the first graduate of the Louisville high school, the collegiate department of the University of Louisville, where he completed the course in 1859. He then entered the law school, where he was graduated in 1861 with the degree of LL. B. From the beginning of his professional career he has been a member of the Louisville bar. In 1881 he served for four months as special judge of the law and equity court, and from 1873 until 1881 was professor of equity jurisprudence and commercial law in the University of Louisville.

At the bar Mr. Pirtle occupied a conspicuous place among its leading representatives. He has long since left the ranks of the many and stands with the successful few. In all industries there is a tendency to specializing. Law has not escaped this tendency and has become divided into various branches. The more prominent practitioners, instead of dissipating their energies over the broad field of jurisprudence, concentrate upon one particular line and win distinction in this chosen department. There are many who do not properly apprehend the comparative merits of civil and criminal practice or the important place which the specialist in law has come to play in the carrying on of the world's enterprises. Mr. Pirtle has been especially concerned in the conduct of equity, commercial and corporation litigation, and has been and is counsel for some of the most extensive business concerns of Louisville. His intellect is vigorous and acute and his arguments are skillful, agreeable and scholarly. His keen perception seems to grasp almost intuitively the strong point in his cause, and his comprehensive understanding enables him to view every question from all possible standpoints. He is not what is called a "case" lawyer, for, although familiar with the decisions of the courts and knowing how to apply them, he is never at a loss when a point is raised upon which there has been no adjudication, his knowledge of the principles of the law enabling him to apply them to the new issue and to point out the grounds for new precedents in judicial decisions. As a speaker he is clear and concise, dealing in no flights of oratory, but logically marshaling his points and arguing them in the most effective style.

On the 22d of May, 1878, Judge Pirtle married Miss Emily M. Bartley. He is a member of the Filson and Salmagundi Clubs and a past master of Falls City Lodge of Masons. His political support is given the Democracy, but he has never sought or held office by popular election. He is an attendant on the Episcopal services of Christ Church cathedral, and his charity and benevolence have brightened many a home. He was president of the board of visitors of the Kentucky Institution for the Education of the Blind from 1888 to 1896, and was president of the Louisville City National Bank from 1882 to 1895; but, whatever he may have accomplished in other directions of business activity since his admission to the bar, he regards as only incidental to his real career, for it has been the law that has commanded his best thoughts and most absolute devotion. His success in life is attributed to his own force of character, having for its actuating influence integrity and admirable fixedness of purpose.

WALTER EVANS, of Louisville, was born in Barren county, Kentucky, September 18, 1842, and during his early youth removed to Buena Vista Springs, near Russellville, Logan county, where, at the age of eight years, he began his education under the instruction of William A. Washington, a cousin of America's first president. He attended school at intervals in Logan, Todd, and Christian counties, but his advantages in that direction were limited. He has always been a student, however, and his extensive research into realms of knowledge has made him a well-informed man.

Mr. Evans began his business career as deputy in the office of the county clerk in Hopkinsville, Kentucky, in December, 1860, and while thus engaged devoted his evenings to reading law. In September, 1861, he joined the federal army as a member of the Twenty-fifth Kentucky Infantry, under command of Colonel James M. Shackleford, became second lieutenant of Company C, and in February, 1862, went with his regiment to Fort Henry, where in the absence of the officers of Company G, he was assigned to its command. He commanded the company at the battle of Fort Donelson and was in the expedition up the Tennessee river to Pittsburg Landing, after which he resigned.

In 1864 Mr. Evans was licensed to practice law and was a member of the Hopkinsville bar until his removal to Louisville in 1874. In 1871 he represented Christian county in the legislature and in 1873 was elected to the senate. In 1876 he was the Republican nominee for congress, and in 1879 for governor, making a strong canvass and winning many votes. He has served as delegate to the Republican national conventions in 1868, 1872, 1880 and 1884, and in 1880 was most zealous in support of General Grant for the presidential nomination, leading his friends that year in Kentucky, and becoming one of the memorable "306" at the Chicago convention. In 1883 he was appointed by President Arthur commissioner of internal revenue, and capably administered the affairs of that important office until President Cleveland assumed the reins of government in 1885. Since that time he has been an active, distinguished and successful member of the Louisville bar. In 1891 he opposed with great vigor the adoption of the new constitution, and his arguments against it attracted wide-

spread attention. One of the most remarkable political contests that ever occurred in the Jefferson county district was in 1894, when he became the candidate of his party for congress. He made a thorough canvass, addressing immense crowds everywhere and being received with the wildest enthusiasm; the district which had previously returned between six and seven thousand Democratic majority now gave a majority of over four thousand votes to the Republican candidate, and the whole Republican ticket was elected, though the other candidates received a much smaller vote than Mr. Evans, who carried every ward in Louisville and nearly every precinct in the district. On the organization of the house in December, 1895, Speaker Reed appointed Mr. Evans a member of the ways and means committee, a very rare honor for a new member, and Chairman Dingley made him chairman of the sub-committee on internal revenue. His labors during the session were arduous, and he was known as one of the most indefatigable workers in the house. On the floor he had charge of several important bills reported from the committee, and always led the fight to a successful issue. He was instrumental in securing the repeal of section 61, of the Wilson tariff bill, remitting the internal revenue tax on alcohol used in the arts and manufactures, involving a revenue of ten million dollars per annum. The bill passed with a provision for the investigation of the whole subject by a joint select committee of the two houses, and Speaker Reed placed Mr. Evans at the head of the house branch of the committee. Mr. Evans also introduced a bill to provide for the erection in Washington of a monument to Abraham Lincoln, of whom he has ever been a most ardent admirer. He is a stanch protectionist and sound-money man, and to his advocacy of the gold standard is due much of the strength of that doctrine in Kentucky.

In 1896 Mr. Evans was again elected to congress, over ex-Governor John Young Brown, by a majority of over twelve thousand. In the contest for the seat vacated by J. C. S. Blackburn in the United States senate, Mr. Evans' name is frequently mentioned. He is a conservative man, safe, reliable, of unquestioned integrity and high moral character.

CLARENCE DALLAM, of Louisville, was born in Henderson, on the 14th of April, 1863, and his ancestral history is one of close connection with Kentucky during its formative period and through the epoch of its later development. His grandfather, Nathan Dallam, was one of the pioneers of the state, emigrating from Maryland to Princeton, Kentucky, when much of the "dark and bloody ground" was still in its primeval state, awaiting the awakening touch of civilization. He was married at Winchester, Kentucky, to Sarah Hicks, a native of Virginia. Their son, L. C. Dallam, father of our subject, is a prominent citizen of Henderson. He married Elizabeth Henderson Soaper, daughter of William Soaper, a tobacconist of that city. Through her mother, Mrs. Dallam was related to Colonel Richard Henderson, the founder of the city which bears his name. The Dallam family is also connected by marriage with the Alves and the Calloways, who came from North Carolina to Kentucky with Richard Henderson and the Transylvania Company. Francis Henry Dallam, an uncle of our subject, was one of the most

Clarence Darrow

distinguished lawyers of the Henderson bar, and is represented elsewhere in this volume.

The early educational privileges which Clarence Dallam received were supplemented by study in the Episcopal high school, of Alexandria, Virginia, from 1881 to 1884, after which he entered the academic department of the University of Virginia, taking a course in Greek and Latin, and was graduated in the latter. He then pursued a course in the law department in the same institution, and was graduated in 1886 with the degree of Bachelor of Law, which was taken in one year. Admitted to the bar and licensed to practice in Kentucky, Mr. Dallam opened an office in Paducah in the fall of 1886, and in 1888 became associated in business in that city with Henry Burnett, as a member of the law firm of Burnett & Dallam, devoting his attention chiefly to corporation law, and represented some of the largest corporations in western Kentucky. This relation was maintained until the 1st of February, 1897, when Mr. Dallam removed to Louisville, seeking a field of labor in the state's metropolis, where his abilities, which have already won him recognition as one of the representative and enterprising young legal practitioners, may have a broader range.

On the 1st of June, 1893, Mr. Dallam married Miss Cantey McDowell Venable, daughter of Colonel Charles S. Venable, who for many years was professor of mathematics in the University of Virginia, and who served through the war as a colonel on the staff of the brilliant commander of the Confederate forces, General Robert E. Lee. She is a granddaughter of Governor James McDowell, of Virginia, who is of the same family as the McDowells of Kentucky. The first of the name to come to this state was Samuel McDowell, who was prominently identified with the early settlement and substantial development of the commonwealth.

Mr. Dallam is a Democrat, but is not specially active in politics. He belongs to the Episcopal church, and served as vestryman while in Paducah. In his profession he is an untiring worker, preparing his cases with the utmost regard to the detail of fact and the law involved. He never loses sight of even the most minor point which may advance his clients' interest, and at the same time gives full weight to the important point upon which the decision finally turns. His argument is incisive and logical, his enunciation clear and decided and his delivery strong. He views his case from every possible standpoint, loses sight of no vantage ground or of any available point of attack in an opponent's argument. He stoops to no questionable methods, is fair and just to the opposition, and has the sincere respect of the members of the bar. In manner he is ever courteous and genial, his deportment at all times bespeaking the character of the true gentleman.

JAMES GUTHRIE was born in Nelson county, Kentucky, December 5, 1792, and died in Louisville, March 13, 1869. An able lawyer, skilled financier, wise legislator and brilliant statesman,—in these few words are summed up his career, which left so deep an impress upon the public life of his state and was a marked potentiality for good in its far-reaching influences. He descended from notable Scotch ancestry,—men whose strength of character and integrity of purpose were such that they would rather give up life than abandon a position which they believed to be right.

one was James Guthrie of this family, a Covenanter minister of the seventeenth century, who suffered death rather than conform to the usages of the prelatical church which Charles II attempted to establish in Scotland.

General Adam Guthrie, father of Kentucky's prominent lawyer and statesman, removed from Virginia to Kentucky in the latter part of the eighteenth century, and took a prominent part in the Indian warfare of that pioneer epoch and was also active in the development of the material resources of the commonwealth. He served in the legislature in 1800, 1802, 1803, 1804, 1805 and 1808.

James Guthrie was reared in his native county and obtained his education in a famous institution of learning of that time, known as McAllister's Academy, which was conducted by an accomplished and scholarly Scotchman who was as much beloved for his "urbanity of manner and benevolence of disposition as he was admired for his high character and literary attainments." At that period of Kentucky history the products of the state were shipped down the Mississippi river to New Orleans, and after completing his education Mr. Guthrie engaged in trade with the Crescent City, making three trips thither on flatboats and returning on foot or on horseback through a country where he was exposed to the danger of Indian attacks as well as to the hardships incident to such journeyings at that period of our history.

Prior to the time of making these ventures Mr. Guthrie entered upon the study of law, and after his third trip south he resumed his legal studies under the direction of John Rowan, one of the most notable members of the bar. As a law student he evinced a capacity for close application and that masterly activity which made him famous in later years. He had a deep appreciation of the science and majesty of the law, its possibilities and almost limitless opportunities afforded to its followers. Energetic and zealous, he mastered the underlying principles of jurisprudence, and entered upon practice with a broad and accurate knowledge of law as a basis for future success. Mr. Guthrie won distinction as a member of the Bardstown bar, although he met in forensic combat such men of tried experience and merit as Ben Hardin, John Hays and Charles A. Wickliffe. Although only twenty-eight years of age when he left Bardstown he had twice been a minority candidate for the legislature. He went to Louisville as commonwealth attorney, to which position he was appointed by Governor John Adair, and soon won prestige at the Jefferson county bar, retaining a large *clientele*. The city of Louisville is a monument to his progressive spirit. When Mr. Guthrie took up his residence there it was a village, the locality seemed unhealthful, and it was believed that a thriving center of population could never be developed; but with accurate foresight he saw what might be accomplished, and soon his energy and progressiveness permeated the life of the little town, and prosperity and growth followed. He secured the adoption of a sanitation system which proved of immeasurable benefit; he was the leading spirit in formulating and securing the adoption of a city charter, and although he encountered strong opposition, before many years the wisdom of his action became apparent to all, and he gained a hold upon the confidence and esteem of the public which could never be shaken.

Although Louisville was at that time a Whig city and Mr. Guthrie was always a stanch Democrat, the part which he took in promoting the public welfare several times insured his election, and he was again and again sent as the representative from the Louisville district to the general assembly. Such was his personal popularity and the confidence reposed in him that when he announced his determination to retire from office in 1839, more than three hundred well-known Whigs signed a petition requesting him to again become a candidate for the senate. It was his desire to give his time to his professional and personal business; but, touched by this appeal of his fellow-townsmen, he resolved to consult with two friends, one a Jackson Democrat and the other a Whig, leaving the decision concerning his course to them. Believing that there had never been a time when his services in the Kentucky legislature were more needed, they advised him to accept the candidacy for state senator, and he was again elected, although his opponent was one of the strongest Whigs of the district. His course in the house and in the senate was ever marked by the loftiest patriotism, the utmost fidelity to duty and by untiring effort on behalf of the best interests of the commonwealth. His influence was a strong potentiality for good in developing the resources of the state and in formulating legislation which has been far-reaching and beneficial in its effects. The financial measures of the state bear the impress of his marked ability as a financier, and his labors in this direction began in 1833, when he set on foot the movement which protected Kentucky against a possible flood of irredeemable bank currency. Foreseeing the certain doom of the bank of the United States, and sagaciously anticipating an era of irresponsible banking, Mr. Guthrie concentrated his energies on the study of banking and monetary systems, and as a result gave to the people of Kentucky the "Bank of Kentucky," chartered in 1834. The bank charter, framed by him, was recognized by the financiers of the United States as one of the best that had ever been formulated at that time. The stock of the bank was speedily taken by eastern capitalists, and this notable monetary institution carried Kentucky safely through financial storms, aided in sustaining the credit of the state, redeemed its every obligation and passed into history as one of the most remarkable financial achievements of any age. For many years Mr. Guthrie was one of the directors of the bank and took an active part in the conduct of affairs.

Railway construction also claimed the careful study and earnest attention of Mr. Guthrie, who believed it one of the most important avenues of development and progress, and in 1833 he became one of the chief promoters for the building of a railroad from Louisville to Frankfort, to connect with the Lexington railroad. This project he pushed to a successful issue, and thus paved the way for the construction of the Louisville & Nashville Railway, which was later built largely through his instrumentality. Throughout his entire life, everything calculated to promote the public welfare of his city or state found in Mr. Guthrie an influential and powerful advocate. His mind was comprehensive in its grasp of affairs, and he surveyed the whole field, noting with accurate judgment those measures which would best promote the public good. In 1837 he secured a donation from the city for the University of Louisville, with medical and law depart-

ments, and for thirty-three years he was a member of the board of trustees, while for many years he served as president of the board, supervising the affairs of the university so established. Educational and moral interests, as well as the material welfare of the city, claimed his support and attention.

In 1849 Mr. Guthrie was elected a member of the constitutional convention of that year, and was made its president. His fairness and unbiased judgment at all times marked him as well worthy the honor conferred upon him, and his broad knowledge of constitutional law, and the active part which he took in framing the constitution, made him probably the most conspicuous figure of that notable assemblage. In 1853 he was appointed secretary of the treasury under President Pierce, and his course in the cabinet was such as to gain him an honorable distinction won by few of America's ministers of finance. He applied to the conduct of the public business rules which speedily developed a vastly improved public service and inaugurated reforms which commended themselves to the business interests of the country. He was recognized as one of the most influential members of the cabinet, and continued in Washington until the close of the administration, when he returned to his Louisville home. In 1860 he was Kentucky's candidate for the presidency at the Democratic national convention at Charleston.

During the civil war he stood loyally by the Union, lending his aid and influence to the support of the national government. As president of the Louisville & Nashville Railroad, he placed this line at the disposal of the government for use in forwarding troops and munitions of war from Louisville, and, although Mr. Guthrie never swerved in his allegiance to Democratic principles, his loyalty to the government was ever above that to party, and he sustained intimate and confidential relations with President Lincoln throughout the war period. He was offered the position of secretary of war in President Lincoln's cabinet, but declined the proffered honor. He was a delegate to the peace convention held in Washington in February, 1861, and in 1864 was a delegate to the Democratic national convention in Chicago. He was elected to the United States senate in 1864, taking his seat on the 4th of March, 1865, and although over seventy years of age was recognized as a valued member. Failing health caused him to resign his position in 1868, and returning to his home in Louisville he lived retired until called to the home beyond.

In 1821 Mr. Guthrie married Miss Eliza Prather, and they became parents of three daughters, of whom Mrs. John Caperton and Mrs. J. Lawrence Smith are still residents of Louisville. The Guthrie home in Louisville was ever noted for its free and gracious hospitality, and the owner found no more sincere pleasure than when, with his wife and daughters, he entertained his many friends there. He was a man of genial, generous nature, true to his friends, courteous to his acquaintances. Although honored with high official preferment, he was never an office-seeker, and was without political ambition, but he had a true and just conception of the duties of citizenship, and when his fellow-townsmen demanded his services or his aid in any department of public affairs he was quick to respond, and his labors produced most beneficial results. As a lawyer he attained great eminence, and his clientage was extensive and of a distinctively representative character. It would be

difficult to point to a single citizen of Kentucky who has secured greater good to the commonwealth. His life was permeated by a noble purpose, lofty patriotism, inflexible integrity and unselfish devotion to family and friends.

ASHER GRAHAM CARUTH, of Louisville, was born in Scottville, Allen county, Kentucky, February 7, 1844. His grandfather, Walter Caruth, was a captain in the colonial army during the war of the Revolution, and after the establishment of the republic he came to Kentucky with a company of emigrants, among whom was the father of Abraham Lincoln. He married Nancy Barr, of South Carolina. After their arrival on the frontier, in an engagement with the Indians, she was wounded on the skull by an Indian tomahawk. Henry Clay Caruth, father of our subject, was born in Macon county, Tennessee, July 10, 1814, and is still (1897) living. His life has been devoted to banking and merchandising. For twenty-one years he served as the president of the Merchants' National Bank, of Louisville. His wife, Mary S. Caruth, was a daughter of George Washington Mansfield, of Scottville, Kentucky, who many times represented his district in the Kentucky legislature and was an active and influential member of the constitutional convention of 1849 and a prominent man in the political history of the state.

Asher G. Caruth attended the public schools in Philadelphia, Pennsylvania, and was graduated at the Male High School of Louisville, with the class of June, 1864. His professional education was pursued in the University of Louisville, where he was graduated in the law department, March, 1866, since which time he has devoted his attention untiringly to the practice of law. He first located in Hopkinsville, Kentucky, where, in addition to his legal duties, in conjunction with Colonel John D. Morris, he established the Kentucky Weekly New Era, later issued as a daily. In 1871 he returned to Louisville and soon won a leading place at the bar of that city. His analytical mind, his close reasoning and his great mental alertness aptly qualify him for his chosen calling, wherein he has achieved an enviable success. In 1880 he was elected commonwealth's attorney for the ninth judicial district of Kentucky for a term of six years, and in August, 1886, was re-elected without opposition, occupying the position until March, 1887, when he resigned, having been elected to represent the Louisville district in congress. The annals of Louisville jurisprudence contain no history of more faithful service than Mr. Caruth's to his fellow citizens during his incumbency of the office of commonwealth's attorney. Many important cases came up for trial within that time, and he discharged his duties without fear or favor. He prosecuted Thomas Crittenden, a grandson of John J. Crittenden, for killing a negro, and also conducted the prosecution of Andy Wepler, charged with the murder of Henry Clay, grandson of the illustrious statesman of that name, and secured conviction in each case. He also prosecuted David Ferguson, George W. Levi and C. J. Snapp, respectively tax collector, receiver, and clerk, for "conspiracy to defraud the city of Louisville," and secured conviction of the criminals. His re-election to the office of commonwealth's attorney was a great personal triumph; the Republican party made no nomination in opposition to him. He was indefatigable in the

discharge of his duties, and the court calendar shows that between September, 1883, and June, 1884, he secured conviction and caused one hundred and forty-one criminals to meet their just punishment in the penitentiary, while eleven others served a term in the county jail. Seven murderers were tried during that time, and about four hundred cases in court were disposed of during the year.

Mr. Caruth was chosen presidential elector on the Democratic ticket in 1876. From 1873 until 1880, by annual re-election, he served as attorney for the board of trustees of the public schools of Louisville. He is one of the most eminent Kentucky congressmen that the state has sent to the councils of the nation, serving in the fiftieth, fifty-first, fifty-second and fifty-third congresses,— from 1887 to 1895,— being elected by a large majority over all competitors. With Mr. Caruth's retirement his party met defeat, and the district sent a Republican to congress in the person of Walter Evans. Mr. Caruth was not a candidate before the people for re-election to the fifty-fourth congress in 1894. In the presidential year of 1896, he was unanimously nominated by his party—the Democracy—for the office of judge of the criminal division of the Jefferson circuit court, and received a vote largely in excess of his party ticket, but was defeated, as was every nominee of the party at this election.

Mr. Caruth is a forceful, earnest, eloquent and convincing political speaker, and during the presidential campaigns has addressed the people of many states on the issues of the day. His orations before the graduation classes of different colleges are masterful, scholarly and instructive, and as a contributor to the press he has won an enviable reputation as a fluent, graceful writer.

He is an active and valued member of various fraternal societies, including the Independent Order of Odd Fellows, the Knights of Honor, the Ancient Order of United Workmen and the Benevolent Protective Order of Elks. He is also a Mason in high standing, having taken the Knight Templar degrees and thirty-two degrees of the Scottish Rite.

In 1871 Mr. Caruth was united in marriage to Miss Ella Terry, daughter of John Terry, a merchant of Louisville.

SCHACKELFORD MILLER, of Louisville, was born in Greene county, Missouri, on the 29th of February, 1856. In a land where nobility is not dependent upon birth, but upon character, one is justly proud of a family which through generations has preserved untarnished an honored name. For more than a century the Millers have been residents of Jefferson county, Kentucky. Robert Miller, a native of King and Queen county, Virginia, left his native state in 1796, and, accompanied by his twin brother, Buckner Miller, made his way to Kentucky on foot, coming through Cumberland Gap. He settled at Lower Ponds, Jefferson county, where his remaining days were passed, his death occurring in 1863, when he had reached the advanced age of eighty-nine years. His son, John A. Miller, was born there in 1824, and grew to manhood on the old homestead. In Hickman county, Kentucky, he married Barbara Anne Nevill, and thus were united two of the old southern families, for Mrs. Miller was a daughter of Colonel Solomon C. Nevill, of Montgomery county, Tennessee. The Nevills are descended from an old his-

toric family of England, the first representatives of the name having located in North Carolina, whence members of the family afterward went to Tennessee and were there extensively engaged in the handling of tobacco for export.

The country schools of Greene county, Missouri, afforded Schackelford Miller his early educational advantages. In 1873 he came to Louisville to live with his maternal grandfather and entered the freshman class of the Male High School, where at the end of the second scholastic year he was distinguished as the winner of the "alumni prize" for the highest average standing in his class. He was graduated in 1877 and soon after began preparation for the bar as a student in the Louisville Law School, where he was graduated in 1879. In the meantime he had also continued his reading in the office of Hon. Isaac Caldwell, at that time the leader of the Kentucky bar. Admitted to the bar he at once began practice and for several years was associated with Judge James S. Pirtle. Since 1888 he has been a member of the well-known law firm of Barnett, Miller & Barnett, his partners being Judge Andrew Barnett, and the latter's son, Tyler Barnett, who was a classmate of Mr. Miller both in the high school and law school. Their practice is general and Mr. Miller's advancement in his profession has been rapid and steady, while his high position is due not less to his industry and integrity than to his legal and special knowledge, his ability and experience. There is no profession that demands a more diversified general knowledge than the law, and in addition to his accurate and profound legal learning he has a broad knowledge of history and literature. He has been a thorough student of both English and American constitutional history, and has devoted much time and study to the early history of Kentucky. His reading has been largely along these lines, and his library contains nearly all the standard historical works, which admirably supplement a large and well selected law library. In January, 1896, he was elected by the bar special judge to fill the place of Judge Edwards, disabled by sickness, and on the bench he has given evidence of high judicial ability.

Judge Miller exercises his right of franchise in support of the men and measures of the Democratic party and was presidential elector for the Louisville district in 1888. He took an active part in the campaign of 1876, although he had not then attained his majority, and in 1884 was assistant Democratic elector for the fifth congressional district of Kentucky. He has studied closely the national issues and is an effective and popular campaign speaker, his oratory moving large audiences, while his logic appeals to their calmer judgment. Since 1891 he has been a director of the Polytechnic Society, is a director of the public library and is deeply interested in all measures tending to the advancement of the city and state. He belongs to the Filson Club, is vice president of the Watterson Club, a director of the Presbyterian Orphanage, and an elder in the First Presbyterian church of Louisville.

Judge Miller was married in 1888 to Miss Mary Floyd Welman, daughter of Floyd C. Welman, and they have three interesting sons,—Welman, Schackelford and Neville.

JOSEPH HOLT was born in Breckinridge county, Kentucky, January 6, 1807, and was educated at St. Joseph's College, at Bardstown, and at Center College, at Dan-

ville. In 1828 he began to practice law at Elizabethtown, Kentucky. He removed to Louisville in 1832; was attorney for the Jefferson circuit in 1833, and in 1835 went to Port Gibson, Mississippi, where he attained eminence in his profession. He became an adherent of Richard M. Johnson, and a speech that he made in Johnson's favor in the national Democratic convention of 1836 made him widely known as an orator. At this time he was counsel for the city of Vicksburg in a celebrated suit involving the claim of the heirs of Newit Vick, the founder of that city, to a strip of land along the river front that Vick had devoted to public use. He was a frequent opponent of Sargent S. Prentiss in his practice.

In 1842 Mr. Holt returned to Louisville, and after a trip to Europe was appointed commissioner of patents by President Buchanan, in 1857. He became postmaster-general in 1859, and when John B. Floyd withdrew from the cabinet in 1860 he assumed charge of the war department. He actively co-operated with General Scott in providing against hostile demonstrations at the inauguration of President Lincoln in 1861, and in a report, which was afterward published, described the plot that had been made to seize the capital.

Although he had been a Douglas Democrat, Mr. Holt now gave his earnest support to the administration, denounced the policy of "neutrality" in his native state and advocated the Union cause there and elsewhere. In the latter part of 1861 he was one of the commission that was appointed to investigate the military claims against the department of the west. President Lincoln made him judge advocate general of the army September 3, 1862, with the rank of colonel, and on the establishment of the bureau of military justice in 1864 he was put at its head, with the same title but with the rank of brigadier general. He expressed his strong approval of the emancipation proclamation of 1862, and on the 26th of August, 1863, addressed an opinion to Secretary Stanton in which he approved the enlistment and subsequent emancipation of those negroes who, living in the states to which the proclamation did not refer, were still in slavery. Judge Holt bore a conspicuous part in various courts martial and military commissions, especially in that which tried the assassins of President Lincoln. He was brevetted major general of the United States army March 13, 1865, for "faithful, meritorious and distinguished services in the bureau of military justice during the war," and December 1, 1875, was retired at his own request, being over sixty-two years of age, and continuing his residence in Washington, District of Columbia.

FRANK PARSONS, who is regarded as one of the most capable criminal lawyers in Kentucky, is one of the native sons of Louisville, born January 2, 1850. His father, Charles Booth Parsons, D. D., an eminent divine, was born in Enfield, Connecticut, July 23, 1805. In early life he was an actor and for fifteen years engaged in histrionic performances in the southern states, where his ability won him success and fame; but his heart yearned for a broader and better field in which to labor for mankind, and in 1839 he entered the Methodist ministry. He filled many pulpits in the south, having been connected with churches in Frankfort, St. Louis and Louisville, and for thirty-two years he earnestly labored in the ministry for the good of

Frank Parsons

his fellow men. He was accounted one of the most gifted and eloquent preachers of the Methodist denomination in the country, and the work of his life in its beneficent influences is immeasurable. By all he was revered for his unimpeachable honesty and kindliness. He bore himself with great dignity and was an able exponent of the Methodist faith. A very eloquent speaker, he combined with a great command of language all the arts of bodily expression, of gesture and a resonant, musical voice; all of his superior powers were exercised in his mighty purpose of seeking to bring a knowledge of the true God to humanity. He was a devoted husband and affectionate father, and held friendship as a sacred trust. He married Miss Emily C. Oldham, daughter of William and Elizabeth (Field) Oldham, both natives of Jefferson county, Kentucky. Mrs. Oldham's father, Captain Reuben Field, won his title through service in the war of the Revolution, and was one of Kentucky's pioneers, emigrating to this state from Culpeper county, Virginia.

Frank Parsons, whose name introduces this review, acquired a liberal education in the city schools of Louisville and in the Indiana State University, of Bloomington, Indiana. He prepared for the practice of law in the office and under the direction of William L. Jackson and Edward Y. Parsons (a prominent lawyer and late member of congress from Louisville), his brother, composing the firm of Jackson & Parsons, of Louisville, and was admitted to the bar in March, 1874. Entering at once upon the practice of his profession, he soon secured a large clientage, which continued steadily to increase until 1887. He possesses the mental qualifications specially adapted to the calling, and has carried his researches into the science of law far beyond the average practitioner. His comprehensive mind enables him to take cognizance of the minor and major points of a case and give to each its relative value. He is quick to see and utilize the available points of attack in an opponent's argument and never for a moment loses sight of the more important facts and law upon which the decision of the case finally turns. His intellectual force, his accurate power of analysis, his oratory and his indisputable arguments, founded upon precedent and logic, make him a recognized leader at the bar.

In 1887 Mr. Parsons was elected commonwealth's attorney for the Jefferson county circuit by a majority of seven thousand over General Alpheus Baker, one of the most eloquent and efficient speakers and able lawyers at the bar. In 1892 he was re-elected for a second term without opposition, being the nominee of the Democratic party. In the faithful and intelligent discharge of the duties of the office he has done the state a great service. Upholding the law without fear or favor, he has been a bulwark in maintaining peace and order in the community. He is most faithful and earnest in the discharge of his official duties and under his *regime* speedy trials are secured for the accused, enabling the innocent to secure release, while the guilty are early brought to justice. He has been instrumental in bringing merited punishment to a number of criminals and has disposed of seven felony cases a day on an average. Among the most noted cases he has tried are those of Charles Dilger for the murder of two police officers; Harry Samart for the murder of Belle Ward and Meisner Green, both these men being sentenced to death and hung on the same scaffold; the cases of

Smith, Hite, McCarthy, Thomas and Lewis, all tried for murder, the men all being hung on the same scaffold with the exception of Smith; the Sutton forgery cases; the Swartz bank cases and the Mary Peoples murder case. Mr. Parsons had no assistance in the discharge of his duties, but personally attends to the indictment of the criminal before the grand jury, as well as to the trial of the case in court, and to appearances in the court of appeals in the many cases which reach that high court of last resort from his circuit. During his service as commonwealth's attorney, the criminal division of the circuit court has been presided over by Hon. William L. Jackson, deceased; Hon. William L. Jackson, Jr., deceased, and Hon. L. H. Noble, who was appointed in January, 1896, to the vacancy caused by the death of Judge Jackson, and elected in November, 1896, for the unexpired term.

Mr. Parsons is an eloquent and forcible speaker, adding to the sound logic of his arguments the adornments of oratory and rhetoric, which heighten the attractiveness of his address without obscuring the truth in the slightest degree. His wit and humor, his pathos and his logic often powerfully sway his hearers, bringing sadness or joy as he vividly portrays corresponding emotions. His superior gifts of oratory are used effectively in many places besides the courtroom. He is a most entertaining conversationalist, and his fund of ancedote and amusing reminiscence make him a valued addition to any social circle.

Mr. Parsons was married in 1873 to Miss Minnie Dent, a daughter of Colonel Henry Dent, of Louisville, a prominent and popular citizen who filled with credit many public places of trust. Colonel Dent was a native of Maryland and directly related to the Dent family of which the wife of General U. S. Grant is a distinguished member. His wife was Miss Porter, whose father was a leader in the early commercial circles of Louisville. Mr. and Mrs. Parsons have one child, Violet B., wife of Joseph Ross, of Louisville.

In his political views Mr. Parsons has always been a Democrat and is an active worker in the interest of the party, his advocacy of its principles before the people largely promoting its growth. A devoted friend, truthful, honorable, generous and kindly, the many excellent qualities of Mr. Parsons have endeared him to the greater number of those with whom he has been brought in contact.

EDWARD YOUNG PARSONS, a lawyer, was born December 12, 1842, in Middletown, Jefferson county, Kentucky, and was the son of Rev. C. B. Parsons, who left the stage while he was one of the foremost tragedians of his day and became one of the most eloquent ministers of the Methodist church. He received a fine education in the public schools of Louisville and St. Louis, and graduated, at the head of his class, in 1861, in the Louisville Male High School. For a few months he acted as principal of the Fifth and York street ward school, and after serving three years as teacher in the Male High School was appointed professor of elocution in the same institution.

While engaged in teaching he devoted his leisure to the study of law and in 1864 entered the Louisville Law School, then under Judges Pirtle, Muir and Bullock, finished the legal course in one year and grad-

uated as the valedictorian of his class. He located for the practice of his profession at Henderson, Kentucky, but soon afterward returned to Louisville. In 1868 he formed a partnership with Judge W. L. Jackson, Sr., and continued in that connection until 1872, when Mr. Jackson was elevated to the circuit bench. Soon afterward he was connected in business with Colonel M. Munday, figured prominently in some noted legal cases, and was distinguished as one of the most eloquent and able young lawyers of the Louisville bar. He possessed to a great degree the dramatic powers of his father, was exceedingly warm and impassioned in his methods of speech, and displayed himself at all times to great advantage in the courts. In 1874 he was nominated for congress by the Democratic convention of his district, and at the ensuing election defeated his opponent by a large majority and made a fine record for himself as one of the most brilliant and active members of that body.

He was a member of the Methodist Episcopal church, south, and was prominently identified with several social organizations. He was agreeable in manners, and, by his many bright qualities, gathered around him a large circle of admiring friends. He died of congestion of the brain at his hotel in Washington city, July 8, 1876, and his remains were interred with every demonstration of respect at Louisville.

Mr. Parsons was married July 27, 1871, to Miss Mary S. Belknap, daughter of Dr. Belknap, of Little Falls, Herkimer county, New York. His widow and two children survive him.

WILLIAM L. JACKSON, SR., long the judge of the Louisville circuit court, was born in Clarksburg, Virginia, February 3, 1825. Of a family long prominent in that state in the field, at the bar and on the bench, he early demonstrated his fitness to maintain its standard of manhood. He began the practice of law in 1847, met with fair success and was elected commonwealth's attorney of the Clarksburg judicial district. On the expiration of his term in that office he was elected to the Virginia house of delegates and re-elected for a second term. He was then twice chosen second auditor and superintendent of the library fund, and in 1856 was elected lieutenant-governor of Virginia. In 1860 he was elected circuit judge of the nineteenth judicial district, but in 1861 he resigned the office to enter the Confederate army as colonel of the Thirty-first Virginia Infantry. After serving for a year in West Virginia he was transferred to the Army of Northern Virginia and became a member of the staff of his cousin, "Stonewall" Jackson, with whom he took part in many engagements. After the death of his distinguished chief he recruited a brigade of cavalry in that part of northwestern Virginia, and gallantly commanded the same in the campaigns of the Shenandoah valley, Maryland and Pennsylvania. After the surrender of Lee and Johnson, he disbanded the last organized Confederate troops within the limits of Virginia, on the 3d of May, 1865, at Lexington, Virginia.

Judge Jackson then went to Mexico; after his return to this country he located in Louisville, where he was accorded a prominent place at the bar. In 1872 he was appointed judge of the Louisville circuit court by Governor Leslie, was elected at the next regular election and by popular vote was continued in that office until his death in 1890. As a judge he was fearless, upright

and impartial, qualities well tested when he was selected by Governor McCreary to act as special judge in the trial of some desperate cases at a period of excessive turbulence in one of the remote mountain counties, where the local judge could not hold court. His presence restored the confidence of the community, and the proceedings of the court were conducted without hindrance.

As a man Judge Jackson was much beloved by his friends, and his death was deplored by the whole community.

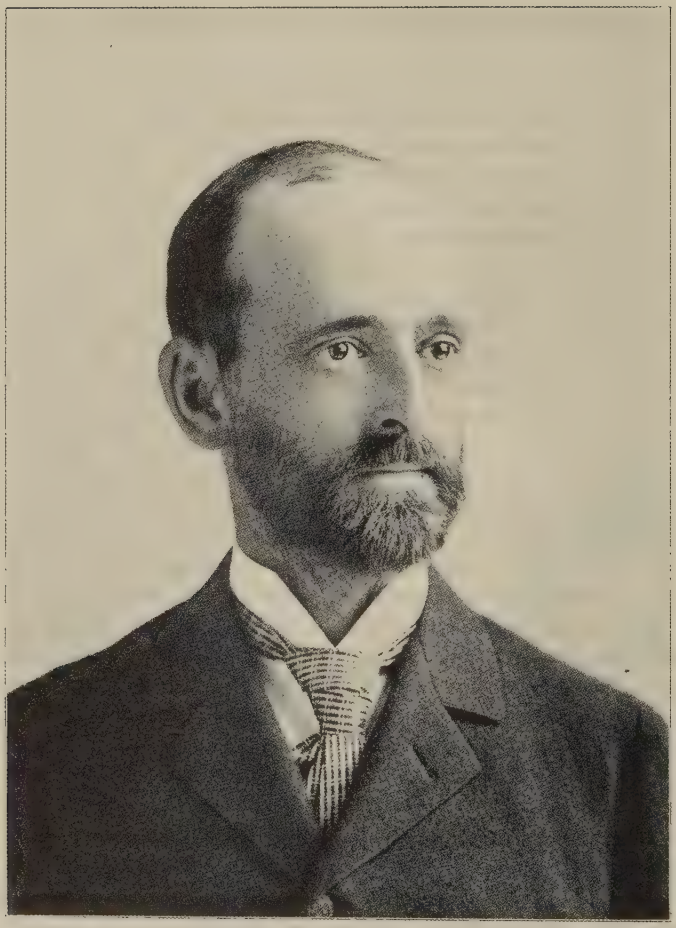
WILLIAM L. JACKSON was born at St. Mary's, Pleasant county, Virginia, August 12, 1854, and died in Louisville, December 29, 1895. His father was Judge William L. Jackson, Sr. Wm. L. Jackson, Jr., was seven years of age when the family removed to Louisville. His education was obtained in the grammar schools and the Male High School, where he was graduated as valedictorian of his class in 1874.

He began the study of law under the preceptorship of his father and at the same time attended the lecture courses of the law department of the University of Louisville, where he was graduated in 1876. He then took a short special course in the University of Virginia, after which he began the active practice of his profession in Louisville under most favorable auspices, for he had inherited his father's love of the profession and was fitted for his work by thorough preparation. Becoming senior member of the firm of Jackson & Phelps, he established himself in successful practice, commanding the confidence of the public and enjoying a large share of personal popularity from the start. In 1881 he was elected to the legislature, and was twice re-elected, his majority in each case being emphatic testimonials of a popular appreciation of his ability and worth. During his term in the legislature a change was made in the law firm by the admission of J. T. O'Neal, under the name of O'Neal, Jackson & Phelps.

His father died in 1890, while serving as judge of the circuit court of Jefferson county, and almost immediately thereafter the suggestion that the son should succeed to the honorable position thus left vacant came from many members of the bar. There seemed to be a consonance of opinion among the members of the bar on this subject, and William L. Jackson, Jr., yielded to the solicitation of his friends and accepted the judgeship. When the time came for an election, the public by ballot expressed its desire to continue him in this office. As a criminal court judge his duties were necessarily arduous and his health broke down under the strain of too constant application, and although he struggled heroically to regain it the end came while he was still in the morning of life.

Many were the tributes paid to his memory by those who knew him, and seldom, indeed, has the death of a member of the Louisville bar caused more profound sorrow among his associates, all of whom admired his talents and character, loved him as a man and honor his memory. He left a wife and daughter to mourn his loss; the latter, Fannie M. Jackson, is now living in Louisville with her mother, who before her marriage was Miss Effie Brown, of New Orleans. Judge Jackson was reared an Episcopalian and for many years was a member of Calvary church.

A distinguished member of the bar, in a memorial meeting, delivered a most fitting address, and from it we quote the following:



Frank W. Mowry

"Believing in the omnipotence of the Ruler of the Universe, I am ready to confess that he may hereafter make for this world a better man, yet reverently and calmly I avow to you that as yet the Maker has never made and placed among us a nobler, purer, better man than was William L. Jackson. As a boy he was my neighbor, my playmate and schoolmate, and whether in the schoolroom or on the playground he was the same kind, popular, generous being that you have known. As a citizen he so carried himself among his friends and associates and before the people generally that they learned to love him and to know him as a man who had naught but good in his nature and who would rather serve a troubled or afflicted neighbor, who would rather ease the pain of some troubled friend or supply the want of some needy acquaintance than to win a crown for himself.

"It was my good fortune to be associated with him in the practice of our profession when we had just begun our career, and to continue with him as his close friend and his partner and associate up to the time when he was honored by this people with a judgeship. I need not tell you, my brothers, of the good traits and the upright bearing of this man. You knew him well. Yet I have seen and known him at times which would try a man's heart; I have seen him in hours of trouble, of affliction, of adversity and success, and I bear witness now that all the while he was the same courageous, kindly, upright gentleman that you knew. No client ever had a warmer or more interested advocate than he; no friend ever gave to him a confidence that was not well bestowed. I have seen him and known him well in his home life. No woman was ever blessed with a more tender, more considerate or affectionate husband than was his wife. No father and mother ever had a son so full of promise and hope or one who brought to their hearts more of real comfort and joy than did his parents. His devotion to his father and mother was beautiful to behold. The family tie to him meant much and he gave his love in abundance, and that, too, in a practical way to all his family. He loved his home and found there a joy which sweetened his life and wiped away whatever of care and trouble he found in the outer world. No better citizen, no truer friend ever lived among us than he. His faults we have written upon the sand, his virtues we shall inscribe upon the everlasting tablets of love and memory."

FRANK WILLIAM MORANCY, of Louisville, was born in Madison parish, Louisiana, August 1, 1858. His father, Francis E. Morancy, was a highly educated man, a graduate in both law and medicine, yet his active business life was spent as a cotton planter. He was of French lineage, descended from ancestry who settled originally at San Domingo. The grandfather of our subject was a child of nine years at the time of the insurrection in San Domingo, in which nearly all the members of his family were killed. He escaped from the island to the United States, where he was reared, and afterward took up his residence in Mississippi. There he made his home until after the birth of Francis E. Morancy. Removing thence to Louisiana he became one of the extensive planters of that state. The mother of the subject of this sketch bore the maiden name of Bettie White and was a native of Woodford county, Kentucky. Her father was Zachariah White, of Hanover

county, Virginia, who in his youth came to Kentucky with his father. One of his brothers, Joseph White, was United States senator from Florida and minister to France. Another brother, Philip S. White, was a lawyer and lecturer of note in Virginia.

Frank William Morancy acquired his early education in the district and private schools of Woodford county, Kentucky, and afterward entered the St. Louis University, at St. Louis, Missouri. He was graduated in the law department of the University of Virginia with the degree of LL. B. in June, 1882, and was honored with the office of judge of the moot court of his class. In October of the same year he was admitted to the bar at Versailles, Kentucky, and entered upon the practice of his profession at that place. He served as city attorney for two terms and in August, 1885, removed to Louisville.

In 1892 he became associated with Hon. Charles S. Grubbs, formerly of Logan county, Kentucky, and this partnership is still maintained, the firm receiving a liberal patronage and ranking among the able lawyers of the city, principally connected with chancery proceedings and insurance litigation. His political support is given the Democracy. He is a close student, methodical and accurate in the preparation of his cases, a pleasant speaker, forcible and clear in argument.

CHARLES S. GRUBBS, of Louisville, descended from two of the oldest families in Kentucky. His great-grandfather, Higgson Grubbs, left Virginia and settled in what afterward became Madison county. He was a member of the convention which framed the constitution of 1792, and took a prominent part in public life, as did also his son, John Grubbs, grandfather of the subject of this sketch, who removed to Logan county during its early settlement. He was a prosperous farmer of high standing and was elected to the legislature from his district. The maternal grandfather of Mr. Grubbs was Rev. Jonathan Stamper, a Methodist minister of great force and power, widely known in Kentucky during the early history of the state. The two families were united through the marriage of Rev. William Grubbs and Zerelda Stamper, parents of Charles S. Grubbs. Rev. William Grubbs was for years a member of the Kentucky conference of the Methodist Episcopal church, south. He filled many pulpits in this state, Indiana and Illinois, and was an able and eloquent speaker.

Called to various pastorates, the family were residents of many different towns, and Charles S. Grubbs was a student in various schools. When prepared for collegiate work, he entered Bethel College, of Russellville, and completed an academic course. He pursued the study of law in the special department of the University of Louisville, and after his admission to the bar he opened an office in Russellville, where for a number of years he occupied a prominent position at the bar. In 1874 he was elected presiding judge of the Logan county court, and by re-election retained that office for eight years. He was also for eight years commissioner of the sinking fund of Logan county, several times a member of the town council and held other local offices.

In 1882, at the end of his second term on the bench, Judge Grubbs severed his connection with the Russellville bar to enter a broader field as a member of the profession in Louisville. Equipped for the best class of professional work by twelve years

of active practice and his judicial experience, he at once took a place among the leading lawyers of the city. Having little taste for the pyrotechnics of the profession, he addressed himself mainly to those branches of the law which deal with and affect the business interests of the country, a field of practice which furnishes abundant scope for the best legal talent. His knowledge of the law, his habits of research, and the judicial cast of his mind combined to make him an able counselor, and his conscientious methods and fair treatment of his clients have secured him a liberal patronage.

For three years he has been the general counsel of the receiver of the Chesapeake, Ohio & Southwestern Railroad, and has continued in general practice also.

He was married in 1876, in Frankfort, to Miss Nannie Rodman, daughter of Hon. John Rodman, at one time attorney-general of Kentucky. Their only child, John Rodman Grubbs, is now a student in the University of Virginia. For several years Mr. Grubbs has been a vestryman of Calvary church, Protestant Episcopal. He is a Democrat, but not active in party work.

BASIL WILSON DUKE, of Louisville, was born in Scott county, Kentucky, May 28, 1837, and is a representative of two of the old and honored families of the south, the Dukes and the Marshalls. He attended private schools in his native county, but his greatest progress along educational lines, prior to his collegiate course, was made under the direction of Rev. Lyman W. Seeley, who conducted a private school in Maysville. He was a minister of the Baptist church, a man of profound learning and a linguist of exceptional attainment, reading and speaking almost all languages, including Sanscrit. After continuing his studies with Rev. Seeley for some time Mr. Duke entered Georgetown College and later became a student in Center College, of Danville. His law course was pursued in Transylvania University, under the special tutorage of Chief Justice George Robertson, of the Kentucky court of appeals.

At the time of his graduation Mr. Duke had not attained his majority. On leaving the university he went to Missouri, was shortly afterward admitted to the bar and began practice in St. Louis, where he remained for three years. About this time he was married to Henriette H. Morgan, a sister of General John H. Morgan, the wedding being celebrated in Lexington, Kentucky, June 19, 1861.

When the tocsin of war sounded General Duke at once espoused the cause of the south and displayed wonderful military foresight and discernment in the plans which he urged upon the leaders in Missouri. He became lieutenant of the company of which John Morgan was captain, and he advocated the taking immediate possession of the arsenal in St. Louis, and occupying all other vantage points. Such a move would probably have saved Missouri to the Confederacy, but those in authority did not at once act upon the suggestion, and the Union troops, seeing the advantage, secured possession of what Lieutenant Duke had hoped to save for the south. When Missouri was occupied by the Federal troops orders were issued for his arrest, and he escaped to Kentucky and followed the fortunes of Gener John Morgan throughout the war. As his superior officer was promoted, he was always chosen to fill the position thus left vacant, and when General Morgan was

killed General Duke became commander of the brigade. His course was one of unswerving loyalty to the cause he espoused, to his people of the south and to the government of the Confederacy. He was a brilliant officer, intrepid, fearless and brave, ever leading, not commanding his men. Many wished to give to General Duke credit of managing the campaigns led by General Morgan, but the former most modestly declined to take the credit from the man whom he regarded as one of the finest soldiers the country ever produced, and for whom he entertained the strongest love and admiration.

At the close of the war General Duke located in Louisville and resumed the practice of his profession, and very soon so impressed his personality upon the members of the bar and the people that his success was assured. In 1869 he was chosen a member of the Kentucky legislature and became an acknowledged leader in civil as well as military affairs. He did much to cure the evils of existing statutes, and was the originator and successful champion of many new and much-needed laws affecting the general interests. His work was mostly in the direction of perfecting the enactments affecting corporations. He gave this branch of legislation his best endeavors and became thoroughly versed in all the rights and privileges of bodies corporate, and was regarded as an authority in the interpretation of all laws affecting banks and railways. At the close of his legislative service he was elected commonwealth's attorney in the Louisville district, and served for six years, after which he was employed in the law department of the Louisville & Nashville Railroad Company, and has since been actively connected with railroad interests as an attorney.

General Duke has also compiled much statistical and historical matter; has written much upon the subject of railroads and their relation to general commerce, the physical development of the country and the advancement of civilization. He has also published a complete history of the Bank of Kentucky from its organization in 1835, and of banking in this state from the time of its admission to the Union. He is one of Kentucky's gifted sons, and the versatility of his talents has won him renown in literary, professional, military and social circles.

THOMAS B. COCHRAN, judge of the chancery court of Louisville, and numbered among the most distinguished members of the Kentucky bar, was born in Spencer county, October 2, 1826, and died in Louisville, January 21, 1873. The first American ancestor of Judge Cochran, John Cochran, was of Scotch descent and crossed the Atlantic from the north of Ireland. Robert Cochran descended from the first American emigrant, was born in Virginia in 1761, and removed to Kentucky in 1792, locating in Jessamine county, whence he went to Spencer county in 1808.

John Cochran, son of Robert, was born in Jessamine county in 1799 and was reared on his father's estate in Spencer county until he reached manhood, when, having married Miss Hannah Buskirk, he took up his abode in Spencer county, where for seventy years they resided on their beautiful and secluded estate, far removed from the noisy world, there rearing a family destined to take a prominent and useful place in the affairs of the nation. In person John Cochran was of commanding presence and a high

type of manly beauty. He possessed great intellectual vigor and his naturally strong mind was disciplined with careful thought and constant reading, so that he would have adorned any station in life. He had explored with the zeal of a student and the zest of a philosopher almost every department of human knowledge. In demeanor he was reserved, dignified, modest and courteous,—so courtly that familiarity never needed to be rebuked; so kindly and gentle that children loved him and instinctively ran to him, clambering on his knee. His devotion and tenderness to his family was untiring, and his kindness and hospitality unbounded. There was something sublime about his unalterable will, which nothing could daunt or conquer. He was too proud to conceal a sentiment, an opinion or an act; hence he was always frank and sincere, but without offense or rudeness. His life and conversation were entirely pure, and he never tasted alchohol as a beverage or used tobacco. In conduct he was governed by reason and the dictates of virtue. With firmness and modesty, with integrity and benevolence, self-denial and devotion to duty, patriotism and disregard of place, power and riches, he walked among men as a statesman without office, a hero without glory and a Christian without cant. His pride was that he had transmitted to his children the stern virtues of his Covenanter ancestors unimpaired; that he had never been guilty of a base, a dishonorable or an unmanly deed. He died June 5, 1878.

His wife, Hannah Buskirk, whom he married in early manhood and with whom he lived for over fifty years in loving companionship, was the daughter of John Buskirk, who was descended from an old Knickerbocker family of New York, the family lineage being traced back to Thomas and Laurence Van Buskirk, who emigrated from Holland to New Amsterdam and being merchantmen made the voyage in their own ship, bringing with them the brick with which they erected the first brick house in the city of New York. The father of Mrs. Cochran became one of the pioneers of Kentucky, reaching the state in 1782. He adopted the more Americanized spelling of the name by omitting the "Van." In 1796 he went to Spencer county (then Shelby), where Mrs. Cochran was born April 15, 1796. She lived her long and useful life in that county, and in the ninety years allotted to her had but two homes, that of her father and of her husband, the two being situated only about a mile apart! She was a woman of rare intellect and strong common sense. She had no taste for the frivolities of society, but found her greatest pleasures in the faithful discharge of every duty devolving upon her as daughter, sister, wife, mother and friend. She possessed a strong mind, which she cultivated during the long and tranquil years of her life. On the occasion of the celebration of the fiftieth anniversary of her marriage she spoke for fifteen minutes to the assembled guests on the goodness of God. It was an extemporaneous address, but was pronounced by one present, who had heard many distinguished statesmen, as equal to the best efforts of the greatest orators of the nation; that her language was absolutely faultless and her delivery wonderful. Her early and middle life was beautiful in its calm, serene strength, and her old age grand in its exalted dignity. She so lived that she never made an enemy, and passed into the better land with the reverential respect and admiration of all who knew her, February 1, 1886.

With such parents, and reared under the influences that surrounded such a home, the subject of our sketch could not be otherwise than an ornament to any position in which he might be placed—a man of note among men of rare ability. He attended the schools of Taylorsville and was graduated at Transylvania University, of Lexington, in 1847, with honor, being one of the most distinguished students of his class. He taught in the Kentucky Military Institute, near Frankfort, for a brief time, and then located in Shelbyville, where he completed his law studies and subsequently entered into partnership with that eminent jurist, Hon. Martin D. McHenry, in the practice of his chosen profession. On the removal of Judge McHenry to Iowa he became associated with his brother, John B. Cochran, now of Colorado Springs, Colorado.

In 1861 he entered the service of his country as lieutenant-colonel of the Second Kentucky Volunteer Cavalry, and with his regiment participated in a number of engagements. In April, 1863, he resigned his commission and visited Europe, in company with his wife, whom he had married in 1852, and who bore the maiden name of Margaret E. Thorpe. This lady, born of an old English family, is a person of rare intellectual endowments, of highest culture and possessed of great social accomplishments, and was to him during his brief career in every sense a helpmeet.

In 1867 Mr. Cochran was elected to the state senate, where he served on several important committees, and became a leading member of that body. Having removed to Louisville shortly after the war, he was in 1868 elected judge of the chancery court of Louisville, which position he held to the time of his death.

As a lawyer he was indefatigable in his examination into a case, and delighted in the nice distinctions and fine points of the law, which he always mastered. His was a distinctively legal mind, well trained in the science of jurisprudence, and broadened by travel and his comprehensive knowledge of polite literature. As a judge he was learned and upright, with wonderful quickness of comprehension. Almost before a case was fully stated he had taken in its scope and detail, and it was no unusual thing for him to display on the first presentation of a question a more just and accurate appreciation of its weight and tendency than lawyers who had pondered it for hours. He was an able jurist in all branches of law, a logical reasoner and positive and forceful in the delivery of his opinions from the bench. His opinions were noted for their terseness, conciseness and brevity, and at the same time for their comprehensiveness and the simplicity of their language. It was often remarked that he would state in a few words an opinion that might be expanded into pages.

As a soldier Judge Cochran was brave and magnanimous, ever true to duty, but with a justice tempered by mercy. Kind-hearted and generous, and cordial in his intercourse with his fellowmen, Judge Cochran was beloved by all who knew him, and his death was mourned by all. We cannot but reflect what high office and what honors might have been his, and of what use he might have been to humanity had he not been summoned to the land beyond at the early age of forty-seven years. Within that time he had already accomplished much for his fellowmen and had left the impress

of his individuality for good upon the legal history of the state. His example is one well worthy of emulation.

"His life was gentle, and the elements
So mixed in him that Nature might stand up
And say to all the world, 'This was a man!'"

GEORGE HANCOCK ALEXANDER, of Louisville, was born in this city November 15, 1857. His name is inseparably connected with the legislation of Kentucky, and he comes of ancestry prominent in molding the destiny of the nation. His paternal grandmother was a daughter of Richard Henry Lee, one of the signers of the Declaration of Independence, whose advocacy of separation from the mother country before and at the time of the writing of that important official document proved a powerful aid in the establishment of this republic. His grandfather, Gerard Alexander, a native of Virginia, became one of Kentucky's honored pioneers. His father, Colonel Thomas Ludwell Alexander, was born in the Old Dominion, was graduated at the United States Military Academy at West Point, in 1830, and during the Civil war was stationed in Washington, D. C., as governor of the Soldiers' Home. He died in 1871, at the age of seventy-three years. His wife, who bore the maiden name of Sallie Rudd, was a daughter of Captain James Rudd, one of the founders of the city of Louisville, a member of the constitutional convention of 1849, and several times a member of the state legislature. He was a man of much prominence in the state, and became a wealthy capitalist of Louisville.

George H. Alexander attended the public schools of his native city, and continued his education in Georgetown College, in the District of Columbia, one of the most famous Jesuit institutions of learning in the entire country. His choice of a profession as a life-work fell upon the law, and he was prepared for practice at the bar in the University of Virginia. He began practice in Louisville in 1882, and has steadily risen until he now occupies a leading position among his professional associates. He has a full conception of the dignity of the law and the responsibility which rests upon its representatives; is earnest of purpose, honorable in all business relations and faithful to his clients' interests.

Mr. Alexander was elected to the state senate in 1891 and served in the session of that year and 1892–3. This was called the "long parliament," being the session which followed the adoption of the state constitution of 1890, when very important legislation was to be accomplished. He occupied a place on the floor of the senate chamber that is seldom reached by a new member. He was the chairman of the committee on corporations—one of the most important committees—and served on the committee on municipalities, which had the framing of the charter of the city of Louisville, and as he was the representative from the Louisville district the work of preparing this charter was practically under his control. He was largely instrumental in securing the appropriation of one hundred thousand dollars for the purpose of having a state exhibit at the World's Columbian Exposition at Chicago in 1893, and was recognized as one of the most progressive and earnest workers in the legislature. Mr. Alexander served as a commissioner of the Central Kentucky Lunatic Asylum, by appointment of Governor John Young Brown. He was nominated for the office of railroad commissioner in 1895 by the Democracy of the sec-

ond district; the total vote cast was one hundred and five thousand, and he was defeated by only six hundred and thirteen, receiving a larger vote than any other nominee on his ticket. That year the entire state returned a Republican majority, and the high vote which Mr. Alexander polled was certainly a tribute to his personal worth and popularity.

Mr. Alexander is a Catholic. In manner he is quiet, having that repose which indicates a reserve strength and firm purpose. He is never offensively aggressive either in the political or legal field, but maintains his stand for the right, as he sees it, with a fixed purpose that commands public confidence, and at the same time is courteous to all who differ with him.

WATSON ANDREWS SUDDUTH is one of Louisville's best known and esteemed lawyers; was reared under influences of wealth, refinement and intelligence, but in early manhood thrown upon his own resources with the battle of life to be fought, without other equipments than his own mental acquirements. He has won his own way upward in the legal profession, to which alone he has devoted all of his energy, and now is recognized as one of the most upright and learned members of the Louisville bar.

He was born near Sharpsburg, Bath county, Kentucky, on the 3d of March, 1854. The first of the family of Sudduth in Kentucky was William Sudduth, a surveyor. Many surveys, plats, and field notes of work done by him in Eastern Kentucky are on file in the land office at Frankfort. He was a native of Virginia and came to Kentucky first in 1783, and made a prospecting tour, landing at Limestone, now Maysville, and walking through the country to Strode's Station, where he spent several months, and returning thereafter to the family home in Virginia, to emigrate later with his father William and his family in 1785. A settlement was made at a place designated as Hood's Station, in what was known as Clark county. Here a large family was reared. Nine sons and two daughters, all of whom, save one, the youngest son, married and had families. William Lane Sudduth, the father of the subject of this sketch, was born at Owingsville, being the son of William M. and the grandson of the William who was the surveyor, and the fifth in the direct line of descent having the name of William. The name of Lane was from the family of his mother, Lucy Lane, daughter of William Lane, who had removed from Culpeper county, Virginia, to Kentucky in the early part of the century.

The Sudduths and Lanes are of English ancestry, settling in the early days of colonial Virginia in Culpeper county. William M. Sudduth, the father of William Lane, was by education a lawyer, but did not engage in the practice. He was for many years clerk of the county and circuit courts of Bath county, but in early manhood retired to his estate near Sharpsburg, where he died in 1859. William Lane Sudduth, his only child, was reared in affluence and educated thoroughly by private tutors in the classics, literature and the sciences, coming into possession of an ample fortune. On the 4th day of September, 1850, he was married to Juliet McDowell Andrews, daughter of Judge Landaff Watson Andrews, whose biography is elsewhere in this volume, a lady of fine intellect, culture, and amiability. He resided upon his family es-

W. A. Luddeth

tate, surrounded by his herds of stock, and by an abundance of this world's goods, a prosperous farmer, a good neighbor and citizen, kind, amiable, and generous. Both were possessed of all of those graces which enabled them to dispense a liberal hospitality, without ostentation or display. Devoted to each other and to their children, theirs was an ideal home, where love ruled supreme. The mother was not alone the housewife to supervise the creature comforts, but the guide, the example, the mentor that opened the spring of intellect and developed the minds of her children, personally directing their studies and by her conversation lighting the pathway to knowledge, making its pursuit a pleasure. Thus she cared for her five children, Watson Andrew Sudduth, their only son, and four daughters until 1875, when misfortune swept away their estate and death claimed the devoted husband and father, leaving her with her family to continue the battle of life, largely dependent upon the efforts of her son. She lived to see him happily established in a home of his own, which for years she enjoyed with him, surrounded by her grandchildren, rounding out a life of self-sacrifice, of devotion to duty and of Christian fortitude at a ripe age. Her death, which occurred June 13, 1895, at Louisville, at the home of her son, closed a most beautiful life, one that has left an indelible imprint for good upon those with whom she was associated, lifting all to a higher plane, moral worth, truthfulness and devotion to duty being esteemed by her as of greater value than mere worldly success.

Watson Andrews Sudduth owes his early education to that devoted mother, who taught him not alone the simple rudiments, but also the classics and guided him in his reading and research, preparing him for college, which he entered in an advanced class in 1872, and graduated second in his class on the 18th day of June, 1874, at Center College, Danville, Kentucky.

Having long before determined on the law as his profession, he placed himself under the supervision of his grandfather, Judge Landaff Watson Andrews, and pursued his legal studies with assiduity, preparing for a course at Harvard Law School. The sudden death of his father and the realization of the true condition of his father's estate, which was entirely obliterated by kindly endorsements for friends, compelled him to abandon his purpose of graduating at Harvard and to enter at once upon the practice of law, which he did at Flemingsburg, Kentucky, succeeding from the first by his energy and intelligent conduct of the business entrusted to him. He was associated with Judge Andrews until the death of that able jurist in 1888, and in August, 1889, he removed to Louisville and became the partner of Colonel Henry L. Stone, which relation continues at this time (1897), the firm of Stone & Sudduth being one of the best known in the state.

Mr. Sudduth's practice since his residence in Louisville has been largely in the federal courts and the court of appeals. He made his first appearance in the United States district court when twenty-four years of age, and has ever since been engaged in very many important cases involving large interests. His long experience, although yet a comparatively young man, makes him one of the "old lawyers," and one whose opinions are sought and regarded as sound. While residing in Flemingsburg the conditions attending the practice were of that primitive nature that the system of the

"circuit rider" was still in vogue, and Mr. Sudduth enjoys the distinction of being one of the last of this generation who has a personal recollection of the "good old days" when judge and lawyer and juror wended their way on horseback to the courts, the saddlebag loaded with legal documents and —need it be said?—also with refreshments for the inner man.

The fraternal feeling which was fostered by the intimacies thus formed, while wending their way from county seat to county seat, taking their meals at the hospitable wayside farm-house, sleeping together and "spinning yarns o' nights," engaging in social intercourse and "playing pranks" (even the staid Judge was not wholy blameless at such times), is unknown in our day of railroad and telegraph; while our modern method may expedite business, it has shorn the profession of many of those features which, while attended by hardships, were fully compensated for by the feeling of good fellowship engendered by the broadening of the human heart in the great school of a more natural condition. Less of hurry, less of worry than now. In these years of country practice following in the footsteps of his illustrious and learned preceptor and partner, Judge L. W. Andrews, Mr. Sudduth gained a large experience. His extensive reading and study, his intuitive nature, has stored his mind with a vast amount of knowledge which his wonderful memory enables him to use as occasion requires. His conversation, as well as his addresses to court or jury, is replete with apt illustrations from history, literature and science, while anecdotes of amusing and instructive character adorn his speech. His kindly, courteous manner has made him friends both within and without the profession.

He has in his office the largest and most complete private law library in Kentucky, which is open to all of his professional brethren and is freely used by them. At his home he has upon his shelves one of the most valuable and extensive private collections of standard literature, scientific, historical and reference books in the city of Louisville. Mr. Sudduth's mind does not run in any special groove—but touches upon all subjects—poetry and history, romance and science, each in turn as may please the passing fancy for his recreation and pleasure and with the engrossing duties of a large practice he finds time to enjoy his books, his family and his friends. Mr. Sudduth is essentially a lawyer. He has never sought or held office of any character; has never participated actively in politics as a worker, although he is a thinker and voter, and an adherent to the principles of the Democratic party and in accord with its principles as expounded by its great leaders.

He was married on the 17th day of December, 1879, to Miss Mary McConnell, daughter of George W. V. McConnell, a citizen of Woodford county, Kentucky, descended from the pioneer family of that name, who are amongst the founders of Lexington and established McConnell's Station in the early days, the site of which is now included within the corporate limits of the city of Lexington. She is a lady of great culture and has made her home a center of intellectual and social intercourse. She supervises the education of her children and from the ample home library and its treasures points out to them that which is most to be desired for their reading. Her home was for years the home of her husband's devoted mother, whom she revered and hon-

ored as a daughter. They have three children,—George, William and James.

JOHN BUCKNER THRUSTON, United States senator and judge, was born in 1757, in Virginia, where he acquired a liberal education and prepared himself to enter the legal profession. He emigrated to the Kentucky district and located at Louisville at an early day. He represented his district in the legislature of Virginia in 1789; in 1791 was appointed one of the judges of the Kentucky district courts; in 1798–99 was secretary of the Kentucky senate, a member of the constitutional convention in 1799, and in 1805 he was tendered the appointment of judge of the United States court for the territory of Orleans, which he declined, having been elected to a seat in the United States senate. He resigned from the senate to accept the office of judge of the United States court for the District of Columbia, and retained that incumbency until his death, which occurred in Washington, August 30, 1845.

He was a man of many graces of character, natural and acquired, of superior ability and great erudition. He filled the several positions to which he was elected or appointed very acceptably, and reflected honor upon the state and county. His long service upon the bench was alike honorable to himself and Kentucky.

ALFRED THRUSTON POPE, to whom Kentucky history is indebted for some of its most honorable pages, was born in Louisville, July 22, 1842, and made a most brilliant record as a member of its bar, dying in his native city October 26, 1891. His parents were Edmund Pendleton and Nancy (Johnson) Pope. The father belonged to one of the most distinguished families of the south, and was a son of Worden Pope, who removed from the ancestral home in Westmoreland county, Virginia, to the "falls of the Ohio" before the town of Louisville was laid out. Pendleton Pope became a successful and leading lawyer of Louisville, and for thirty-six years was clerk of the circuit court of Jefferson county. He married Miss Nancy, daughter of Colonel James Johnson, who served as a member of congress from the Ashland district in 1825–26, and was a brother of Richard M. Johnson, vice president of the United States.

Three miles from Louisville stood the country home of the Pope family, and there Judge Pope of this review was reared. The schools of the city afforded him educational privileges, and he early manifested special aptitude for study, giving evidence of the mental qualities which afterward made him distinguished. He attended Bethany College, of West Virginia, for a time, also the Indiana University, and later entered and graduated at the Louisville Law School. His splendid natural endowments were thus supplemented by superior mental training, and he was therefore especially well equipped for his chosen profession. His advancement was steady and rapid, and within an exceptionally short period he stood with the leaders of the Louisville bar. To the personal qualities of a sound mind and captivating address he added a modest and unassuming demeanor, in full keeping with the substantial character which underlay them. In his profession and among the people at large he enjoyed an enviable popularity, because of his high qualities of head and heart

and his exemplary citizenship. The legal profession demands, as the price of recognition among its representative members, unimpeachable integrity, a high degree of intellect and unmistakable purity and nobleness of manhood. Such a man was Judge Pope.

In 1867, three years after his graduation, he was unanimously chosen orator and delivered an address before the alumni of the law school. His classical scholarship and graceful oratory marked him as a public speaker of the first rank. In 1869 he was elected, without opposition, a member of the general council of Louisville, and though strongly solicited to again accept the office, declined a re-election. He preferred the field of law, and had the highest conception of its purposes and possibilities and desired to withdraw from public office; but his fellow-citizens so besought him to represent them in the state legislature that, yielding to their entreaties, he became a member of the lower house of the general assembly. It was a time when Louisville sent her best men to the councils of the state, for the war was just ended and legislation was required to meet the demands of the people, reuniting after the bitterness of a civil strife, and requiring the adjustment of many questions of education, finance and taxation to meet the new conditions.

Judge Pope proved a most acceptable and active member of the house of representatives, and in 1871 was elected to the senate, being the youngest member of that body and barely eligible to a seat. With the same fidelity and ability with which he discharged his duties in the lower house, he acquitted himself in this higher field to which the confidence of his constituents had transferred him. To him the colored people are indebted for the bill providing them with educational advantages, and it was his untiring effort that led to its passage. He was one of the most active and influential members of the senate and was incapable of lending his name to support an unworthy object. In 1872 he was presidential elector on the Democratic ticket and his effective labors in behalf of his party led to the mention of his name in connection with congressional honors. In 1873 he resigned his seat in the general assembly.

Judge Pope was named by his friends as the candidate for the bench of the law and equity court and was elected by a flattering majority. He entered upon the discharge of his duties at the age of thirty-six, —the youngest chancellor who ever sat upon the bench in Kentucky. He discharged the responsible functions of this high office with fairness, firmness and ability in keeping with his purity of character, presiding over a court made notable in its history by the eminence of his predecessors. At the end of four years, however, and while there yet remained two years of his term he resigned from the bench and at the same time retired from the practice of law.

On his retirement from the bench Judge Pope made an extended trip through Europe with his family and then returned to his Louisville home, to spend his remaining days in the pursuit of those literary interests which afforded him the greatest pleasure. He was charitable and benevolent; quietly and unostentatiously the light of his generous spirit shone upon many homes. The cause of education found in him a warm friend and he served as trustee of the public schools of Louisville and of the Kentucky schools for the blind. His life was

noble and true; his public career was characterized by the utmost purity and fidelity to duty, his name a synonym for honor in all business transactions.

Judge Pope was married September 26, 1865, to Mary Tyler Pope, daughter of Colonel Curran Pope, of Louisville. Their surviving children are Dr. Curran Pope, a prominent young physician of Louisville; Pendleton Pope and Alfred Thruston Pope.

BENNETT H. YOUNG, of Louisville, was born in Nicholasville, Jessamine county, Kentucky, on May 25, 1843, and is descended from Scotch ancestry. His grandfather, John Young, was a Revolutionary soldier and fought under General Greene, and was in most of the campaigns of Virginia and the Carolinas. He was at the battle of King's mountain, and his brother, Robert Young, killed General Ferguson, the British commandant, in that conflict.

Colonel Young was descended, on his mother's side, from Colonel Joseph Crockett, a distinguished officer under General Washington. He was in all the great battles of the Revolution, up to 1871, and was, after that, for two years, with General George Rogers Clark in the northwest. Colonel Young began his studies in Bethel Academy, at Nicholasville, after which he spent two years at Center College, Danville, Kentucky, and left college to enter the Confederate service. He enlisted in the Eighth Kentucky Cavalry, in General John Morgan's brigade. He was captured with General Morgan, carried at first to the penitentiary at Columbus, later to Camp Chase, and thence transferred to Camp Douglas. He succeeded in making his escape from Camp Douglas and reached Canada, whence he sailed to the West Indies and running the blockade at Wilmington, North Carolina, again made his way into the Confederate army. In 1864 he was detailed on a special secret service by the Confederate secretary of war. He was engaged in the operations and efforts to release the prisoners at Camp Douglas, Chicago, Illinois, and afterward at Camp Chase, Ohio, and still later was in command of the St. Albans raid.

Exempted by the amnesty proclamation of President Johnson, he was compelled to live abroad until 1868. Going to Europe, he completed his education at the Scotch and Irish University. There he won the highest honors at law, and third honor in the literary department of Queen's College at Belfast. He has been honored with the highest degrees which are conferred by literary institutions and is a Doctor of Law, and is considered one of the most scholarly men in Kentucky.

On his return to Kentucky, in 1868, he settled in Louisville and began the practice of law. His broad legal learning and his wonderful power in presenting a cause, especially in jury trials, soon made him a large and lucrative practice, and he has long occupied a conspicuous place at the bar and in the ranks of Louisville's leading commercial representatives. No well informed man will deny that Colonel Young has done more to advance the material interests of Kentucky than any living man.

In 1872 he formed a partnership with St. John Boyle in the practice of law; later, they became interested—through becoming attorneys for railroads and receiverships—in railroads. Mr. Boyle was made receiver of the Henderson division of the St. Louis & Southeastern Railroad, and Colonel Young became his legal adviser. Afterward they

united in the building of the Louisville, New Albany & St. Louis Air Line, and the construction of this road is unquestionably the work of these two gentlemen.

Later, Colonel Young was instrumental in the purchase of the Louisville, New Albany & Chicago Railroad, now known as the Monon. He served this road as general counsel until 1883, when he was elected president. Shortly afterward he was made president of the Southern Exposition, a place which required great courage and great enterprise, and great fertility of resource. In this position Colonel Young met every expectation.

In 1886 he began the construction of the Kentucky and Indiana bridge, one of the great triumphs of engineering skill in this country. The terminal lines of this road include about seventeen miles of track in Louisville and New Albany, and make it one of the most convenient terminal systems in America and has provided for Louisville extensive and unlimited sites for manufactories in connection with railway transportation. At the time of the construction of this road it relieved the traffic of Louisville of a burden of a thousand dollars a day.

Two years later Colonel Young began the construction of the Louisville Southern. There are no figures which can calculate the benefit which this line has been to Louisville and central Kentucky. Before the construction of this road, Louisville was under the domination and control of the Louisville & Nashville Railroad Company. It had discriminated against Louisville to such an extent as to injure its trade. Backed by the merchants of the city of Louisville, Colonel Young undertook the herculean task of constructing this line to a connection with the Cincinnati Southern, thereby giving Louisville the benefit of this great line, which had cost Cincinnati more than twenty millions of dollars. It made Louisville independent. It restored her to her position of perfect competition with St. Louis, Cincinnati and Chicago, and at once placed the merchants of Louisville in a position of independence and enabled them, for all purposes, to the south, to have the same advantages as any other city in the country. Up to this time such benefits had been denied Louisville.

As a member of the constitutional convention of Kentucky it was his broad and quick mind which foresaw the possibility of the Louisville & Nashville absorbing the other competing lines in the state, and mainly through his efforts were incorporated in the constitution of Kentucky the provisions which prevent discrimination on the part of any railway or bridge company or terminal line, and also prevent the acquisition of competing lines by any railroad company. But for these provisions the Louisville & Nashville would have absorbed the Chesapeake, Ohio & Southwestern. This would have been a tremendous blow to the commercial and manufacturing interests of the city of Louisville and to all central and southwestern Kentucky. It was Colonel Young who called the attention of Governor Brown to the plans and purposes of the Louisville & Nashville, who secured for the Governor the information necessary in preventing the consummation of the sale of the Chesapeake, Ohio & Southwestern to the Louisville & Nashville, and who mapped out the lines upon which the contest could be successfully made.

Not alone have the commercial interests of Louisville profited by the efforts of this man, who has protected so many other interests, but its educational facilities have been

materially advanced by his assistance and his counsel. When the public library was about to fail, and its property advertised for sale, Colonel Young induced six other gentlemen to join with him in the preservation of its property for public use. In conjunction with these gentlemen he indorsed for more than seventy thousand dollars, and saved for the city in the Polytechnic society—which is a public library—the property which is now worth a quarter of a million dollars.

Colonel Young was the organizer and founder of the Bellewood Seminary, which has done a great work for the Presbyterian church in the state. He was also the promoter and one of the chief officers, and has been, from its foundation, of Central University; and also a promoter and officer, since its foundation, of the Louisville Presbyterian Theological Seminary.

There will be no dispute of the fact that as an archæologist Colonel Young stands the first man in the state. His writings on the archæology of Kentucky have attracted attention in all parts of the country, as well as Europe. His style is strong, vigorous, clear and concise, and yet it does not lack artistic touches which add beauty and finish to the composition.

Some years since he published a book of great value,—"History of the Three Constitutions of Kentucky." He is also the author of a monograph styled, "History of the Division of the Presbyterian Church in Kentucky;" also a monograph entitled, "History of the Battle of Blue Licks." His pamphlet on "Evangelistic Work in Kentucky" has had a wider circulation than any other book which has ever been written by any author in the state.

Colonel Young is a member of the Filson Club, and is one of its most active and useful members. It has been said of him that "he makes history romance and romance history." His wonderful power in enthusing people on any subject on which he writes, makes him one of the most charming authors in the state. He has written a great deal upon the subject of horticulture and is accepted as the highest authority on grape culture in the commonwealth. It was he who first made successful the use of paper bags in the protection of grapes, and this simple device has gone all over the world and added immeasurable comfort and pleasure not only in the growth, but also in the use of grapes.

So far, the Colonel has refused to accept political preferment of any kind. The only public office which he ever held was that of representative from the fourth district to the constitutional convention of 1890–1. His knowledge of constitutional law, his great public spirit, his broad and comprehensive views of the needs, possibilities and requirements of the state and his strong loyalty to the best interests of the people, made him a distinguished member of that noble body.

He has been engaged in some of the most important litigation in the state. As a jury lawyer he has no superior and few equals. A distinguished judge once said of him that in summing up before a jury Colonel Young was the most persuasive and convincing man he had ever heard.

The Colonel was married in early life to Martha Porter Robinson, eldest daughter of Rev. Stuart Robinson, D. D., who died in 1890; and, in 1895, Colonel Young was again married, to Eliza Sharp, of Bardstown, Kentucky.

To other people he has always been a helpful man. His benevolence and charity

to the poor has brightened many a rough way in life. He enjoys the proud distinction of being president of the Louisville Colored Orphans' Home; he was one of the promoters of this splendid enterprise, helped to raise the endowment for it, and has been retained by the colored people as its president for sixteen years. That he should hold such an office in such an institution for so long a time and at the earnest solicitations of the colored people themselves, is a high tribute to any man.

ZACK PHELPS, of Louisville, was born in Christian county, Kentucky, on the 17th of July, 1857. His parents, James S. and Mary (Glass) Phelps, were also natives of the same county. His father is recognized as one of the most prominent and influential citizens of Louisville, where he is now engaged in the tobacco trade, and his mother is also highly esteemed for her many virtues.

In his parents' home the subject of this review was reared. The family removed to Louisville during his early youth and he attended the public schools, to which he is indebted for his literary education, which was completed by his graduation at the Male High School with the class of 1877. His choice of profession as a life-work falling upon the law, he joined the ranks of the eminent jurists which have made the bar of Kentucky so famous—determined to win an honorable place in the fraternity. This he has done, and the name of Zack Phelps to-day occupies a conspicuous place on the roll of Kentucky's gifted lawyers. He was admitted to the bar in June, 1878, and on the 1st of January, 1881, entered into partnership with William L. Jackson, Jr., the connection continuing under the firm style of Jackson & Phelps until 1885, when J. T. O'Neal was admitted to the firm and the name was changed to O'Neal, Jackson & Phelps. Another change occurred in 1892, when, by the admission of Joseph Pryor, son of Justice Pryor of the court of appeals, the firm name of O'Neal, Phelps & Pryor was assumed. Subsequently Mr. Phelps retired from the firm and he has since associated with him in the practice Mr. W. W. Thum, and the firm of Phelps & Thum is now recognized as one of the leading law firms in the state.

A worthy ambition, devotion to his profession and his clients' interests and the application of his comprehensive knowledge of law to the business entrusted to his care, have won Mr. Phelps distinction as a leading member of the Louisville bar, and he is now enjoying the returns from an extensive and remunerative legal practice. His fellow citizens have also honored him with political preferment, and in September, 1890, he was made their representative in the constitutional convention which met in Frankfort, where, although one of the youngest, he was also one of the most valued members. He is a practical business man of sound judgment, a deep thinker and clear reasoner, and his work in framing the constitution was most beneficial.

On the 1st of January, 1881, Mr. Phelps was united in marriage with Miss Amy Kaye, one of the leading young ladies of Louisville, and their home is the happy center of a brilliant society circle. Mr. Phelps is a man of pleasant address, courteous and affable, and in his business is always attentive and patient. He is a speaker of much force, having a good command of language, a strong voice and a pleasant delivery. He

Chas. G. Richie.

has besides made much reputation as a successful cross examiner of witnesses, and has in a high degree the art of "pulling the truth" out of unwilling witnesses and of exposing to the full light of day any effort at fabrication.

CHARLES GRIFFITH RICHIE, county judge of Jefferson county, was born in Louisville, January 18, 1868, a son of Henry Clay and Sophia (Spurrier) Richie, the former a native of New Albany, Indiana, and the latter of Sumner county, Tennessee.

Judge Richie was educated in the public schools of his native city, and was graduated at the high school in 1887. In October of the same year he entered the law department of the University of Louisville, where he was graduated with honor in April, 1889. The possession of a graduation diploma from that institution does away with all further examinations for admission to the bar, and Mr. Richie, therefore, at once entered upon practice, meeting with phenomenal success from the beginning. He has made for himself a brilliant record at the bar. Holding his clients' interests as dear as his own, and sparing no labor in the preparation of cases, he came before the court thoroughly master of the points in litigation, and with a logical argument set forth the truth which he wished to establish in a clear, concise and convincing way. The success which ever crowns intelligent effort came to him, and he soon had a large clientage.

In 1894 Mr. Richie was urged by the Republican party to become its candidate for the office of county judge, but for a time he declined to do this. Later he was prevailed upon by many friends and supporters to allow his name to be used, for he believed it to be his duty to his party and his fellowmen. The election returns showed that he was the people's choice, and he is not only one of the youngest men ever elected to the office of county judge, but was the first Republican to fill any judicial position in Jefferson county. The election was a tribute to his personal worth and popularity, as well as his legal ability. He took his place upon the bench January 7, 1895. His official career has merited and received the approval of the representatives of all parties. His decisions have been models of judicial soundness, showing a broad and comprehensive knowledge of the law, and evincing a judgment entirely unbiased by fear or favor.

Judge Richie is a member of the Knights of the Ancient Essenic Order and Knights of Honor, is past president of the B. O. O. Mizpah, and belongs to the Methodist Episcopal church, south. He was married on the 29th of August, 1895, in Sumner county, Tennessee, to Miss Marguerite P. Pierce, a daughter of Lafayette and Nannie Pierce, of the same county.

LEWIS N. DEMBITZ, jurist and author of law books, residing in Louisville, was born in a small town of the Prussian province of Posen, in February, 1833. His father, Dr. Sigmund *Z.* Dembitz, was a physician of pronounced skill and an expert linguist, a man of high literary attainments and of an idealistic turn of mind. The strong mental traits of the father have been inherited by the son, who was a most precocious scholar and graduated in April, 1848, at the gymnasium at Glogan, in Silesia. This institution corresponded with

the high schools of America, and he completed the full course nearly four years before the average age of graduation. The following winter he attended a course of lectures on Roman law at the University of Prague, and in May, 1849, crossed the Atlantic to America, then a young man of sixteen years.

For two years thereafter Mr. Dembitz studied law in Cincinnati, in the office of Walker & Kibler, and for a short time was a student in Madison, Indiana, in the office of Dunn & Hendricks, the former afterward judge advocate general. In Madison Mr. Dembitz was admitted to the bar, and in 1852 he removed to Louisville, where for a time he edited a small German daily paper.

In 1853 he began the practice of his chosen profession and his success was marked and immediate, owing to his possession of marked ability, comprehensive knowledge of law, keen discernment and unflagging industry. From 1856 until 1864 he was associated in business with Martin Bijur, a brilliant and highly successful practitioner. From 1870 until 1874 he was a partner of Otto A. Wehle, and since that time has been alone. Strongly opposed to slavery, he joined the Republican party as soon as it had gained a foothold in the state; in 1860 he was a delegate to the Republican national convention and voted for the nomination of Abraham Lincoln for the presidency.

Mr. Dembitz' mind is of a peculiarly scientific trend, and his life has been that of a student given to the investigation of problems in mathematics, philology and law. However, he has been connected with some of the most important cases that have been tried in Kentucky courts. In 1871 he was counsel in a case involving property to the value of more than a million dollars in Indianapolis and Louisville, the controversy growing out of a marriage contract made in Rhenish Prussia. In the trial of this case he was associated with Hon. Thomas A. Hendricks, Hon. Benjamin Harrison, and with Hon. James Speed, attorney-general under President Lincoln. In 1884 he drew up a tax law for Louisville which enabled the city to collect its taxes, payment whereof had been evaded by all who did not volunteer to pay the same; and he was thereupon appointed city attorney for tax matters, discharging the duties of that position from 1884 to 1888.

In the latter year Mr. Dembitz largely prepared the bill which provided that the Australian ballot be used. The bill was passed in the legislature under the name of the Wallace law, and was applicable only to the Louisville city elections, but was the first law adopting the system in the United States. The law volumes of which Mr. Dembitz is the author are scholarly and masterful, and include "Kentucky Jurisprudence," which was published in 1890 by John P. Morton & Company, of Louisville, —a work the province of which is to indicate those parts of statutory and judge-made laws of Kentucky which differ from the general type and have to be separately studied. In November, 1885, from the press of the West Publishing Company, of St. Paul, came the work, in two volumes, called "Dembitz on Land Titles." These volumes have received endorsment from some of the most eminent jurists of the country and show careful analysis, close investigation, exhaustive research and an able mastery of the subjects of which they treat. Mr. Dembitz' son, A. Lincoln Dembitz, has been bred to the law, and is associated with

his father in much of his literary as well as professional labor.

ALPHEUS BAKER, of Louisville, was born at Abbeville Court House, South Carolina, March 23, 1825, and died in Louisville, Kentucky, October 22, 1891. Soldier, lawyer and orator, reared in affluence and educated for the bar, with a foundation of a thorough classical and literary training, he had before the commencement of the civil war established himself in a lucrative practice at Eufaula, Alabama.

Entering the service of the Confederacy, he was the colonel of a regiment and later commanded a brigade with the rank and commission of brigadier general, participating in the more important engagements in northern Georgia, and in the final battle of the war at Bentonville, North Carolina.

The war over, he resumed his residence and practice at Eufaula, removing in 1878 to Louisville, where he remained until his death. His reputation as a brilliant speaker and erudite scholar and keen-witted lawyer had preceded him, and he was recognized at once as a man of superior ability, and took a place as one of the leaders of the bar.

Mr. Baker was essentially an orator, and took delight in speaking on any and every theme, and was equally at home on all subjects; and his time was at the service of those who desired ornate and beautiful discourse, which charmed and instructed the hearers but failed to enrich the orator. Mr. Baker's addresses were most scholarly, and the language in which they were clothed of the purest English. Space does not permit the reproduction of any extended examples of his oratory, and, indeed, mere words, without the grand presence of the man and his magnetic voice and charm of manner, could give but slight idea of his powers before an audience.

It is our duty and pleasure to preserve the memory of such a man for future generations, and the resolutions of the Louisville bar best evince the high regard in which he was held by his brethren of the profession:

"His residence among us has been more than a pleasure. It has been the source and occasion of delight. The members of this bar have been favored with the privilege of listening to his wonderful eloquence in the maturity of his powers. Before the jury and on public occasions large audiences always gathered to hear him, and he captivated all who came within the sound of his voice.

"The effect of early training and his familiarity with the literature of all ages was conspicuous in all his speeches. Few in the ranks of even the most famous orators understood as well as he how to wield the power that lies in the English language.

"He clothed his thoughts in the aptest, most appropriate and beautiful words. His sentences were harmoniously balanced and exactly adapted to the subject. The effect was artistic perfection, because the inward nature of the man spoke spontaneously the language of genius, refined and chastened by habits of close study.

"General Baker was manly and courageous in his convictions, and in all dealings with the world he was perfect in his integrity. He had the qualities of Roman sternness in his devotion to principles, yet he was so unpretending and simple, so artless and confiding, as he moved among his fellowmen, that these softer lineaments of his character are the ones which peculiarly linger in one's thoughts and are recalled most vividly."

In summarizing such a character as General Baker presents, it may well be said that he was one of the last of the "old school" of the southern chivalrous and gifted men, charming in personality, courteous and kindly in his intercourse, as guileless as a child, but from whom the world was ready to receive much and return little. He lived in a period ill fitted to the display of his peculiar talents. The world had moved faster than he had, and while it was willing to be instructed and amused by him found no place in its every-day life for the scholar and orator of the old school.

General Baker was twice married, first to Miss Copeland and secondly to Miss Pheribee Ricks: the last wife survived him. He lies buried in accordance with his request, with the Confederate dead in Cave Hill cemetery, Louisville, a simple headstone marking the grave and inscribed, "Alpheus Baker, October 22, 1891."

ISAAC T. WOODSON, of Louisville, was born July 12, 1847, in Woodsonville, Hart county, Kentucky. His father, Anthony L. Woodson, was a son of Thomas Woodson, who founded this little town in the early days of the commonwealth, upon a tract of land just opposite Munfordville, which was granted to a great uncle, Major Frederick Woodson, for military services in the Revolutionary war. Anthony L. Woodson married Eliza B. Chapline, daughter of Rev. Isaac Chapline, formerly of Mercer county, who was related to Captain Abraham Chapline, one of the pioneers of Kentucky.

Isaac T. Woodson was educated in the local schools in Hart county, and began a university training in the City University of St. Louis, Missouri, which was interrupted by the war. His subsequent education was confined to the study of Latin, French, mathematics, and the study of law.

On June 25, 1868, he was married to Miss Loulie B. Wood, a daughter of Mr. Isaac H. Wood, of Hart county, Kentucky, and Mrs. Mary E. (Thurman) Wood, of La Rue county, Kentucky, a daughter of Rev. D. J. Thurman.

Mr. Woodson was licensed to practice law in November, 1869, and has devoted his attention to general civil practice in the state and federal courts and court of appeals. He was elected to the office of county attorney of Hart county in August, 1874, and was elected to represent Hart county in the lower house of the legislature in August, 1879. In the legislature he was placed upon the judiciary committee and committee on education, and was chairman of the committee on codes of practice. He is the author of the law making insulting and abusive language a misdemeanor in Kentucky, and also introduced the first bill providing for the establishment of normal schools in Kentucky.

In March, 1881, he removed to Louisville, Kentucky, and now resides there. Since his residence in Louisville he has asked the people for no political preferment, and, beyond the position of alternate delegate to the Democratic national convention in St. Louis in 1888, he has held no office whatever.

Mr. Woodson's career as a lawyer has won for him the esteem of the bar and the public, and he enjoys the reputation of being an honorable and successful lawyer, having been engaged in many important causes. Several times honored with the position of lecturer on medical jurisprudence

before the students of the Louisville Medical College, his lectures have been received with enthusiastic praise.

He is a member of the McFerran Memorial Baptist church, and is treasurer of the Long Run Baptist mission board. He is also a member of the Filson Club and is greatly interested in historical and literary work.

ROBERT LEE SUTER, of Louisville, one of the young men of the profession, but not the less worthy of a place in the chronicles of the bar of the state, was born June 2, 1864, at Gratz, Owen county, Kentucky. His father, Jesse A. Suter, was a merchant and farmer there, a native also of the same county, descended from Virginia ancestors, who came to Kentucky early in the nineteenth century. The first of the family were from the north of Ireland, of Scotch-Irish extraction, and came to America early in the eighteenth century, taking part in the war for independence in behalf of the colonies. Mr. Suter's mother, Elizabeth (Deese) Suter, was a native of New Madrid county, Missouri, a daughter of Samuel and Lucinde (Woodsides) Deese. The latter's father was a planter with large interests in the south. The Woodsides were prominent in southeastern Missouri, where John R. Woodsides was a judge of the circuit courts for over forty years.

Robert Lee Suter was educated in the schools of Owingsville and Louisville, studied law with Judge W. B. Fleming, of Louisville, and was admitted to the bar February 15, 1888, entering upon the practice in partnership with his preceptor. Since 1890 he has been alone in business.

Mr. Suter has been special attorney for the state of Kentucky, by appointment of Governor John Young Brown, in a number of important suits involving the question of the state's right to tax certain corporations, etc. He is a man of much versatility, an apt writer and speaker, a laborious and painstaking lawyer, thoroughly preparing his cases and leaving nothing undone that will be of advantage to his clients.

He is an ardent Democrat and believes in adherence to party and party nominations as a means of securing party principles. As an advocate of Democracy he was especially active and an efficient supporter of the Chicago platform in the canvass of 1896 in the city of Louisville. Mr. Suter has held no elective office, nor has he ever been a candidate, but has confined his attention to his profession, wherein he has made a success. Bearing the name he does is an indication of the enthusiasm of his ancestor for a military chieftain, and of that characteristic of his race which has found expression in their participation in the wars of the country. His early ancestry took part in the Revolutionary war in Virginia, and four of his paternal uncles participated in the civil war in the Confederate army. Mr. Suter, while too young to have shown his martial spirit in the sanguinary strife on the battlefield, displays in the forum the same spirit that in war makes successful commanders.

He was appointed March 3, 1893, a commissioner of the Central Kentucky Asylum for the Insane for a term expiring January 1, 1898. In the discharge of the duties of this honored office he has been most faithful, contributing by his watchfulness and business oversight to render it the model institution of the state.

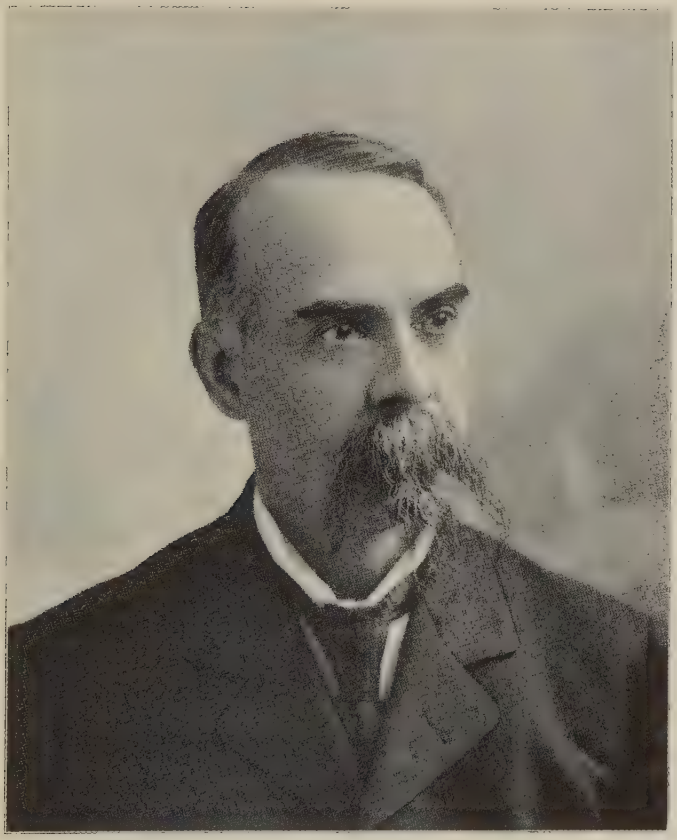
He was married June 27, 1889, to Bessie Cabell McClain, of Henderson county, Ken-

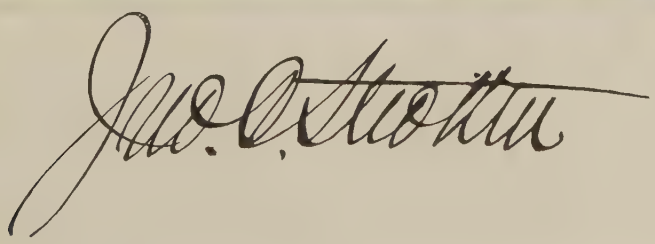
tucky, daughter of William and Virginia (Pollett) McClain, a lady of surpassing beauty and intellect, a descendant of one of the oldest and most noted of Kentucky and Virginia families. They had two children: Robert Lee Suter, Jr., and Elizabeth.

JOHN CHAPLIN STROTHER, of Louisville, was born on the 25th of February, 1846, in Trimble county, Kentucky, which was also the birthplace of his parents, French and Lucinda Owsley (Maddox) Strother. The latter was a daughter of a prominent farmer in Trimble county. The former followed agricultural pursuits and for many years was a local minister in the Methodist Episcopal church, south, a man of superior ability and oratorical powers. His grandfather, Rev. George Strother, was a native of Culpeper county, Virginia, whence he removed to Bourbon county, Kentucky, in 1796, and in 1802 took up his residence in Trimble county, where he owned an extensive tract of land. He built one of the first mills in this section of the state and ground corn for the Indians and a few white settlers. His death occurred in July, 1864.

Mr. Strother, whose name introduces this review, was educated in the common schools of Trimble county, pursuing his studies there through the school term from the time he was eight years old until he had reached his nineteenth year. During the summer months he engaged in the labors of the farm. Taste and inclination led him to take up the study of law, which he continued at home until 1868. In that year he entered the law office of Pryor & Barbour, the former ex-chief justice of the court of appeals, and the latter late presiding judge of the superior court of Kentucky. Mr. Strother continued his reading under their direction until the fall of 1868, when he entered the law department of the University of Louisville, where he was graduated in 1869. In May of that year he began the practice of his chosen profession in Owenton, Kentucky, where he remained for sixteen years, commanding a large practice and sustaining a reputation as a lawyer of the highest order of ability, and as a leader of the bar in that section of the state. In July, 1885, he came to Louisville, having been appointed chief deputy collector of internal revenue. In that capacity he served until July 1, 1889, and on his retirement opened a law office in Louisville. During his official service he had gained a wide acquaintance and won many friends, and two weeks after opening his law office he was in command of a large clientage. So rapidly did his business increase that in March, 1890, it necessitated his forming a partnership that he might be relieved of some of the duties attendant upon his extensive practice; and he became associated with Judge Thomas R. Gordon, a prominent and able lawyer of Owenton, Kentucky. The firm of Strother & Gordon is now one of the strongest and most popular in the state. Other than acting as school commissioner in Owenton for seven years and revenue collector for one year, Mr. Strother has held no office, nor does he desire official preferment.

The many important cases with which he is connected indicate his high standing in the profession and evidence his superior ability. His skill and diligence as a lawyer have received recognition in his frequent employment in cases of the greatest importance and difficulty, both in Owenton, Kentucky, where he formerly practiced, and in Louisville. Among these may be men-





tioned the case of the commonwealth of Kentucky against Thomas Buford for the murder of Judge John M. Elliott, a judge of the court of appeals of the state, in which case he assisted in the prosecution; and the case of the J. G. Mattingly Company against Mattingly et al., a case involving a trademark of very great value, and questions of intricacy and importance concerning the law in regard to trademarks. This case was finally decided by the court of appeals of Kentucky, and is reported in the Ninety-sixth Kentucky Reports.

The case of John Loree against William Abner and about one hundred and fifteen other defendants, in which Mr. Strother was counsel for the defendants, was one of the most remarkable cases tried in this state in recent years. The action was brought in the United States circuit court, at Covington, Kentucky, and involved the title to over thirty thousand acres of land. The plaintiff's chain of title consisted of a patent from the state of Virginia to Samuel Young, made in January, 1786, a deed purporting to have been made by Samuel Young, the patentee, to W. W. Gitt in May, 1845, but not recorded until 1878, and one or two subsequent conveyances passing the title to the plaintiff, Loree. The theory of the defense was that the deed of 1845 was a forgery. The defendants could not connect their chain of title with the patent, but they found the record of a deed from Samuel Young to Charles Vancouver to the patent boundary of land made in March, 1786. Upon the first trial of the case, the court,—Hon. W. H. Taft,—over the objections of plaintiff, admitted in evidence for the defendants a copy of this deed, which passed the title out of the possession of Samuel Young about fifty-nine years before the deed of 1845 was made, and under the instruction of the court the defendants obtained a verdict. The plaintiff prosecuted an appeal to the United States circuit court of appeals, which reversed the judgment on the ground that the Vancouver deed was not competent as evidence by reason of a defect in the acknowledgment. This case is reported among the cases decided by that court at Cincinnati. In the meantime Mr. Strother had ascertained from other conveyances made by Samuel Young in the vicinity of this patent boundary that he had described himself as "Samuel Young, the merchant," of Philadelphia, and by correspondence with the gentleman serving as register of wills of the latter place found that administration had been granted in August, 1818, on the estate of Samuel Young, "the merchant" at Philadelphia, to his son, John Charles Young, a planter of New Orleans, Louisiana. This fact he proved in the Loree case by a copy of the record and the deposition of the register of wills; but a necessary link in the chain of evidence, that is, the identity of Samuel Young, the patentee, with Samuel Young, the merchant, was lacking.

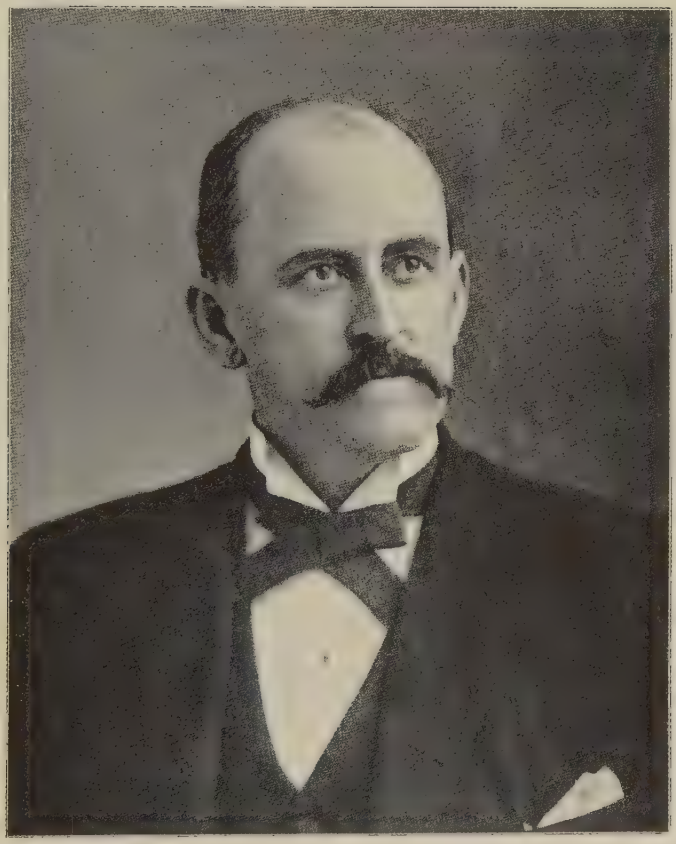
Eighteen days before the case was to be tried the second time, Mr. Strother conceived the idea that he might, through the well-known southern love of pedigree and family relics, find some descendant of Samuel Young, and through family history and pedigree, or old books and papers, establish the identity and thereby prove that Samuel Young, the patentee, was dead long before the deed of 1845 was made. He at once wrote to a prominent firm of lawyers in New Orleans, Louisiana, stating his case and the evidence he wanted. The result was that he found near Vicksburg, Mississippi, a grandson of Samuel Young, the

merchant, who had given much attention to the history of the family and who had in his possession a large collection of books, papers and family relics. Among these he found a book containing the personal accounts of Samuel Young, the merchant, from 1776 to 1792, and on this book, corresponding in date with the Charles Vancouver deed, were the original entries of the survey of the patent boundary of thirty thousand, nine hundred and seventy-three and a third acres of land claimed by Loree, and of the sale and conveyance to Charles Vancouver. Furthermore, the witness stated that in 1849 his father took him on a visit to Philadelphia and pointed out to him the house in which his grandfather, Samuel Young, the merchant, lived and died, and took him to St. Paul's churchyard, where he pointed out the tombstone of Samuel Young, the merchant, and the record on the stone was that he died in 1814. The witness arrived in Covington in time for the trial. Confronted with these facts, the plaintiff's case was destroyed and a verdict and judgment for the defendants resulted, from which no appeal was prosecuted.

In Covington, Kentucky, in March, 1871, Mr. Strother was united in marriage to Miss Mary F. Greenwood, a daughter of a prominent merchant of that city, and they now have four children, namely: Kate Pryor, Shelby French, Eugene Thomas and Ralph G. Strother. The eldest son, Ralph G. Strother, is a lawyer and occupies his father's office, but has no business connection with the firm. He graduated at the law department of the University of Louisville with high honors in the class of 1896, but had been admitted to the bar in May, 1895, one year previous to the completion of his law course. The second son, Eugene Thomas, is a clerk in the Union National Bank.

Mr. Strother is a member of the Independent Order of Odd Fellows and of the Methodist Episcopal church, south. He is an advocate of Democracy, and, although not an office-seeker himself, he manifests an interest in political affairs, as every true American citizen should do, and labors for the success of his party. He is regarded as one of the ablest lawyers of Louisville; his high legal attainments have won him prominence, and the public and the members of the profession recognize and acknowledge his worth and powers.

THOMAS ROBERT GORDON, of Louisville, has spent his entire life in Kentucky, and is prominently identified with the legal profession. He was born in Owingsville, Bath county, Kentucky, January 3, 1854, and is a son of Thomas B. Gordon, for many years a leading citizen of this state, who was born in Georgia, February 4, 1816, and was of Scotch descent, his ancestors having emigrated to America at an early day and established a home in South Carolina, whence the family removed to Georgia. He was graduated at the Miami University, of Oxford, Ohio, and was admitted to the bar at Forsythe, Georgia, entering upon the practice of his profession at that place, whence he removed to Owingsville, Kentucky, in 1848. There he continued his labors as a member of the legal fraternity up to the time of the war, and during that period filled the office of judge of the Bath county court. In 1861 he entered the Confederate army as a private in the command of General Humphrey Marshall, and continued in the service until hostilities were



Thos. R. Gordon.

ended. After the war he devoted his energies to teaching and was recognized as a leader in educational work and interests throughout central Kentucky. He died near Lexington, January 25, 1891. In his early manhood he married Frances M. Greer, also a native of Georgia.

Their son, the subject of this review, acquired his education under the immediate supervision of his father, and from 1870 until 1872 inclusive was a student in Washington and Lee University, of Lexington, Virginia. He afterward taught school for two years in Owenton, Kentucky, and then took up the study of law under the preceptorship of Hon. H. P. Montgomery, of that place. In 1875 he was admitted to the bar and at once entered upon the practice of his chosen profession in Owenton. For four years he was a partner of Hon. Orrin B. Hallam, now of Washington, District of Columbia, this connection being severed in 1882. During his residence there he was also county superintendent of schools, serving from 1876 until 1880, and was judge of the county court from 1882 to 1886. He was also a member of the state board of equalization from the seventh congressional district, acting in that capacity the first term after the creation of the board, being appointed by Governor J. Proctor Knott.

Judge Gordon's identification with Louisville's interests dates from 1890, when he came to this city and entered into a partnership with John C. Strother, a connection that has since been maintained, while the firm of Strother & Gordon has won a most enviable place in the front ranks among the lawyers in this section of the state. Judge Gordon has been a general practitioner and is thoroughly informed on the various departments of the law. He has been retained as counsel in some important criminal cases, and the civil litigation with which he has been connected has been of equally high character. When one wins a name and a place in the foremost ranks of the learned professions, it indicates superior ability, close application and earnest effort, all of which traits are strongly manifest in the character of the subject of this sketch. He is a good speaker, a deep thinker and a logical reasoner, and his unquestioned devotion to his clients' interest has won him a large clientage. In addition to his law practice, he is a director in the Sun Life Insurance Company of America and of the Mutual Life Insurance Company of Kentucky. He served for two years as commissioner of the Central Kentucky Asylum for the Insane, by appointment of Governor John Young Brown. His political support is given the Democracy, but he never seeks or desires office.

On the 18th of February, 1878, Judge Gordon married Miss Myra Taylor, daughter of Captain George C. Taylor, of Columbus, Hickman county, Kentucky. The Taylor family is one of distinction in the state, prominently identified with its history. From the same ancestry was descended General Zachary Taylor. Judge and Mrs. Gordon have three children, two sons and a daughter: Robert Greer, George Taylor and Cecil. The oldest son, Robert Greer, though but seventeen years old, graduated last June at the Louisville Male High School, and at the commencement was one of the orators for his class and is now a student at Central University at Richmond, Kentucky. The Judge holds a membership in the Second Presbyterian church of Louisville, and belongs to the

Independent Order of Odd Fellows, being a most prominent and active member of the fraternity, while for ten years he has been a member of the grand lodge of the state.

JAMES SPEED, of Louisville, attorney-general of the United States in the cabinet of President Lincoln, was born March 11, 1812, at the Farmington homestead, where lived his parents, Judge John Speed and wife. He attended St. Joseph's College, at Bardstown, where he was graduated at the age of sixteen years, after which he was employed in the clerk's office in Louisville. Later he attended the law department of Transylvania, where he was graduated with the class of 1833, being at the time twenty-one years of age. He very soon became a successful practicing lawyer, his first partnership being with Henry Pirtle, afterward the well-known Chancellor Pirtle, of Louisville. He devoted himself to his practice, and soon became a leading lawyer of wide reputation.

A public-spirited citizen, Mr. Speed took an active interest in promoting all measures calculated to advance the welfare of the city, and bore a part in many public enterprises. He served the city of Louisville in the general council, the state in both branches of the legislature, and the country in military appointments and in the presidential cabinet. In 1847 he was elected to represent his district in the lower branch of the general assembly, and in 1861 was chosen state senator, serving until 1863. Thus connected with the legislature during the most important period of our country's history, he exerted a strong influence in behalf of the Union, and was an ardent supporter of the policy of the president. The proposition made by the general government to pay the owners of slaves in Kentucky for their slaves was supported by him alone, and in his speech on that subject he took the ground that slavery was an evil which should and would be abolished, and that Kentucky ought to accept the proposition. In after years he stated that while no one agreed with him in regard to this measure, he believed that his influence in the state senate was increased by the stand he took.

At the beginning of the war Mr. Speed was made the mustering officer for Kentucky and he mustered into the United States service the soldiers enlisted under the first calls. He was a close friend and adviser of the military officers in command in Kentucky and his influence was very great upon the Union sentiment throughout the state. In 1864 he was appointed by President Lincoln attorney-general, and was an influential and leading member of the cabinet until 1866, when the political differences between himself and President Andrew Johnson led him to resign. In 1868 he received the vote of the Kentucky delegation in the Republican national convention for the office of vice-president on the ticket with General Grant. He was a delegate to the Republican national convention in 1872 and again in 1876, and each time served on the committee on resolutions. He favored the thirteenth, fourteenth and fifteenth amendments to the constitution and the reconstruction measures.

Upon his retirement from the cabinet in 1866, he at once resumed the practice of law in Louisville and was an active member of the bar of that city until his death. His distinguished ability caused him to be retained as counsel, either for the defense or prosecution, in almost every case of impor-

tance that came up for trial in the courts of his district. In 1872 he became professor in the Louisville Law School, which position he had formerly filled from 1856 until 1858. His deep love for his profession, his profound interest in the science of jurisprudence and his enjoyment of society and regard for young men made his work most enjoyable. His kindness to students and young lawyers was proverbial, he was never so busy that he could not put aside his own interests to assist or advise them.

Mr. Speed was married in 1841 to Miss Jane Cochran, daughter of John Cochran, of Louisville. Their children are John, Henry Pirtle, Charles Breckenridge, James and Joshua. Mr. Speed died June 25, 1887, at his country home near Louisville and was laid to rest in Cave Hill cemetery. His was a character that indelibly impressed itself on the community with which he was connected. His life was noble, pure and true, and the address of his former partner, Henry Pirtle, to the lawyers of Louisville, who had assembled to pay tribute to his memory, shows forth his real life in beautiful but just terms. Mr. Pirtle said: "The men in memory of whom we have met today was so modest that eulogy to the extent of his merits would be displeasing to him, but he so valued the love of his friends that the expression of our regard would be grateful to him. In remembrance of his talents and his virtues his brethren of the bar, joining with the people of the state and nation, in the simple language of truth record our respect, admiration and affection for our great dead.

"The history of James Speed increases the pride of the lawyer in his profession; his character deepens respect for human nature. That simplicity which marked him he carried into the highest station. In every place he filled he brought to bear all the powers of his mind and the honesty of his character, taking up easily and naturally the severe toils and cares of state with the same alacrity as the humblest duties of life. Having attained a most exalted position in his profession at a time to test his qualities to the utmost, and having sustained himself with distinction, he came back to his work among his old associates with his affections as warm, his tastes as pure, his habits as simple as in youth. His ambition was unselfish and success never unduly elated him. He had the temperament and mind of a philosopher, viewing life from a high point and regarding man in the dignity of his nature as the grandest of God's works. His studies and thoughts were much turned to the contemplation of moral questions. He considered himself fortunate in having had so much prosperity, and met the ills of life, which come to all alike, as something to be borne with calmness, as becomes a man. Nothing embittered him. His temper was sweet, but that in nowise detracted from his firmness and resolution. His business associates kept their regard for him to the end. He was conciliatory and never self-seeking. His last thought would be his own wishes and interest. His was a sympathetic and refined nature; he loved music, poetry and flowers; in the trees, the flowing stream, the growing plants of his country home, he found companionship in solitude. He loved the society and conversation of his friends, of children, and of those near and dear to him. The weak and oppressed, the needy and friendless, found in him a protector and friend.

"The character of Mr. Speed was so attractive that young and old, of all ranks

and conditions, were drawn to him and gave him their fullest confidence. It is pleasant to dwell upon his virtues, to speak well of one of whom the truth is the highest praise.

"At the bar his most striking qualities were judgment, common sense, candor and fairness, united with fine business capacity. He seemed more anxious to have justice done than to prevail in his case, maintaining only such principles as he believed to be the law; and, having great power of logic and learning to present them strongly, he would stand or fall by the correctness of his positions. With the court and the jury his integrity of character gave him deserved weight, and added to the influence of his persuasive eloquence and reasoning. He had a captivating manner and an unsurpassed capacity for presenting the facts of the case clearly and strongly, with an intermixture of caustic comment and illustration at once convincing and entertaining. His fame as a lawyer rests upon the work he did in the state and federal courts during a half century of practice, his wise counseling in his office and his services as attorney-general of the United States. He was always a student, both of books and men, eminent in the practice in the common law and equity courts, and in the criminal courts on great occasions. His great power was in careful thought and the application of original principles to questions under consideration. His arguments were short, close and confined to the leading points and stated with clearness and purity of diction in a strong, deliberate and careful manner. He had thought out what he had to say to a conclusion, and his sentences fell from his lips complete as if written.

"The life of James Speed was spent in industry, which won for him fortune and fame. He was the most distinguished man ever born in Jefferson county. He lived beyond the three-score years and ten, with his intellect bright, his health good, his enjoyment of the society of his children and friends keen, and blessed by the respect and honor of the people among whom he had lived all his life."

JOHN SPEED, of Louisville, the eldest son of Hon. James Speed, is a lawyer of fine attainments. Born in 1842, educated at the high school in Louisville, he spent his early youth in a bank. The war coming on, he entered the service, and was appointed captain and assistant adjutant-general, and served on the staffs of Generals Gilbert, Ward, Butterfield, Slocum and others, serving throughout the war. He was in numerous engagements and went with Sherman's army to the sea. Toward the close of the war he was made paymaster, with the rank of major. He was a fine soldier, remarkably intelligent and capable, and had the personal confidence of the commanding Generals Buell, Rosecrans, Sherman and Thomas.

After the war he engaged in business for a time in Louisville, then turned his attention to law. He became a partner of his father, and of Thomas Speed. His uncommonly clear, strong mind soon brought him to the front among the practitioners of the bar, and he became recognized as one of the most useful and successful lawyers of Louisville. His training in banking and as a business man, added to a decided natural talent for accounting, enabled him to manage difficult and complicated corporation cases with an ability not only unsurpassed, but unequaled by his associates at the bar. For some time he practiced as a partner in

the firm of Pirtle, Speed & Trabue. Within the past few years he has retired from practice, and lives on his country place in Spencer county, Kentucky, being a prominent figure in that community, honored and esteemed by all. He never engaged in politics in any way, but in sentiment he is a Republican.

He married Miss Aurore Comb while in the army service. He has two grown sons, —James and Shippen, who, with their families, live near their father and mother.

THOMAS SPEED, of Louisville, belongs to a family distinguished in state and nation. The record of their achievements is on the pages of history; the fast-flying years have marked the accomplishment of their noble purposes and honorable endeavors, and their names are associated with legislative, judicial, professional and commercial measures which have advanced the welfare of state and nation. The family has long ranked with the best of the land, its eminence due to the true nobility of character, the chivalrous defense of the weak against the strong, the right against the wrong, and the superiority of mental powers, manifested by its representatives. The military annals of the republic contain the names of those who aided in the strife for liberty; and in the Civil war many of the family were active in maintaining the supremacy of the Union which their ancestors had fought to establish.

While the ancestry of the Speed family can be traced back to John Speed, English historian, geographer and antiquarian, of the time of Edward VI., it is not the province of this volume to give extended genealogical history, but to place upon record the lives of those who have made the bar of Kentucky so conspicuous. As in other walks of life, the family has been well and honorably represented in the legal profession. Captain James Speed, the great-grandfather of Colonel Thomas Speed, was one of the earlier judges of Kentucky, was a member of the Kentucky conventions of May, 1785, and August, 1787, and was a candidate for delegate to the constitutional convention in 1792, but was defeated because of his emancipation views. His son, Judge John Speed, was the owner of Farmington, whose hospitality was known throughout the state. Although not an emancipationist, he deplored the existence of slavery, and his treatment of his slaves was most humane. He served as judge of the quarter-sessions court and his fair and impartial rulings won the commendation of the bar and the public. Others of the family who have attained distinction in connection with the judiciary of the state are James Speed, attorney-general under President Lincoln; John Speed Smith and Green C. Smith, all of whom are mentioned elsewhere in this volume.

Major Thomas Speed, the grandfather of him whose name forms the caption of this article, was numbered among Kentucky's pioneers of 1782, represented the state in congress, 1817 to 1819, and was a member of the legislature. He was a major of volunteers through the war of 1812, and was connected with most of the events which form the history of Kentucky in the first half of the nineteenth century. He was connected with the office of Colonel Christopher Greenup, clerk of the general court, and was appointed clerk of the Bullitt and Nelson circuit courts. He was a refined, dignified and cultivated man, graceful and

polished in manners, charming in conversation and pure and spotless in character. He died near Bardstown, February 20, 1842.

Thomas Spencer Speed, the eldest son of Major Thomas Speed, was born near Bardstown, August 30, 1814, and, with the exception of ten years passed in Daviess county, spent his entire life at his birthplace, where death came to him March 16, 1892. He prepared for the ministry, but impaired health prevented him from devoting himself to that work and he lived retired. An opponent of slavery, an advocate of temperance, an earnest Christian gentleman, his chief characteristic was his sincerity and devoted adherence to what he believed to be right. He was twice married, his first union being with Miss Sarah Whitney Sparhawk, who died in 1842.

Colonel Thomas Speed, of Louisville, their youngest child, was born at the family home in Bardstown, November 26, 1841, and obtained his education in Center and Hanover Colleges. Coming of a family noted for its loyal devotion to country, it is not strange that the patriotic nature of the young man was stirred to its depths at the continued effort of the south to overthrow the Union, or that he should join the Federal forces to uphold the national government. In 1862 he enlisted as a private, was made first lieutenant and then adjutant of the Twelfth Regiment of Kentucky U. S. Volunteers, and also served on the brigade staff. The principal engagements in which he participated were the siege of Knoxville, Bean's Station, the various battles of the Atlanta campaign, Columbia, Franklin, Nashville and the capture of Fort Anderson and Wilmington, North Carolina.

After the war Colonel Speed pursued the study of law in the University of Michigan, at Ann Arbor, and in the office of Hon. James Speed, attorney-general in President Lincoln's cabinet, and was associated with him in law practice until the death of General Speed, in 1887. He was then in partnership with John Speed, a son of his former partner, this relation being maintained until Colonel Speed was appointed, July 9, 1892, clerk of the United States district and circuit courts at Louisville, an office which he has since filled with marked ability. He has the legal training and experience as a lawyer which are so essential to the understanding of his duties, and the keeping of the records of the courts is a work for which he is qualified to an eminent degree.

Mr. Speed is a writer of great force and clearness, and is the author of a volume entitled "Records and Memorials of the Speed Family." Although this book was designed for the perusal of the numerous members of the Speed family, the ancestors of Thomas Speed were so prominent in state and national affairs that the memoirs are full of interesting facts and incidents in which every Kentuckian would be deeply interested. Colonel Speed also wrote an article on the battle of Franklin, which was published by the Ohio Commandery of the Loyal Legion; also the "Wilderness Road," a Filson Club publication, and the "Political Club," published by the Filson Club, of which he is secretary. He is a valued contributor to the newspapers and periodicals upon political and historical subjects, and his fund of information, with a ready command of pure English, enables him to write with ease and fluency, while his articles bear the stamp of truthfulness and reliability.

Thomas Speed was married in 1870 to

W. P. D. Bush

Lucy Madison Buckner, and they have two children—James Buckner and Mary Whitney—the former a graduate of Rose Polytechnic Institute, of Indiana, and a skilled electrical and mechanical engineer, now engaged in the business of electrical supplies in Louisville, Kentucky. Colonel Speed has many of the chief characteristics of his illustrious ancestors, and is one of the present generation who have so faithfully sustained the good name of the Speed family.

WILLIAM P. D. BUSH, of Louisville, was born in Hardin county, Kentucky, March 14, 1823, descending from Holland ancestry. His grandfather, Christopher Bush, a native of Holland, crossed the Atlantic to Virginia, about 1750, and during the Revolution espoused the cause of the colonies and aided in the struggle for independence. Soon after the close of the war he came to Kentucky with Colonel John Hardin and other noble pioneers, who were prominent in opening this region to the advancement of civilization. He assisted in building a fort near Hardinsburg, and while living therein one of his sons, while hunting, was killed by the Indians. He afterward removed to a fort near Elizabethtown, Hardin county, and in that locality developed a farm on which he reared a large family. One of his daughters, Sally Bush Johnson, became the second wife of Thomas Lincoln, father of Abraham Lincoln, who many times acknowledged his indebtedness to her for her affectionate care and kindly assistance.

Christopher Bush, Jr., father of William P. D. Bush, was born in the fort near Elizabethtown, in 1790, and was reared on the family homestead. He was a farmer of the highest respectability and a prominent citizen of the community. He married Polly Goodin, daughter of Isaac Goodin, a Revolutionary soldier and a farmer of high standing. They reared a large family, of whom Mary Ellen became the wife of Hon. Martin H. Cofer, who at the time of his death was chief justice of the court of appeals of Kentucky.

On a large farm owned by his father on Valley creek, about four miles from Elizabethtown, W. P. D. Bush was born. His elementary education was obtained in the common schools, supplemented by several years' study in the seminary, in Elizabethtown, conducted by Professor Robert Hewitt, a justly celebrated teacher and scholar. Soon after completing his literary education he taught three terms of school in Hodgenville, Larue county, Kentucky, and in 1845 was appointed deputy clerk of the county and circuit courts of Hancock county, holding the position for nearly two years. During this time he completed the study of law, and upon examination was licensed to practice his profession in the courts of the commonwealth in 1846. His professional career was interrupted at the outset by the declaration of war on the part of the United States government against Mexico. He was one of a large number of young Kentuckians who promptly volunteered to take up arms in defense of the honor and dignity of our government, and was mustered into the service as second lieutenant of Company F, of the Fourth Kentucky Infantry. He remained in the service until the close of the Mexican war and then reopened a law office in Hawesville, in Hancock county, Kentucky, where he soon acquired prominence at the bar and built up a large and lucrative practice. He served as county attorney of

Hancock county for several years and was also interested to a considerable extent in the purchase and sale of real estate and in the operation of coal mines. He lived on a farm containing more than eight hundred acres of land adjoining Lewisport, from 1860 until 1867, and is still the owner of three hundred acres of that tract, including the old homestead.

In 1853 W. P. D. Bush was elected as a Whig to represent Hancock county in the state legislature, and from 1861 until 1863, and from 1865 until 1867 he filled the same office, being elected as a Democrat. He was serving in the legislature in 1865, when the act repealing what was known as the "expatriation act" of 1861 was passed, and it is of interest to note that he was largely instrumental in placing the repealing act on the statute books of Kentucky. Soon after the bill was passed, and while it awaited the signature of Governor Bramlette, the governor sent for Mr. Bush and informed him that he was inclined to veto this bill, and believed the legislature ought to pass, in its place, a bill which would repeal the expatriation act as to all persons who had gone south or into the Confederate army from Kentucky during the Civil war, upon the condition that they should take an oath of allegiance to the general government and have such oath recorded in the clerk's office of the county in which they resided. To this Mr. Bush replied that he had opposed its passage in 1861 and had voted for the repeal of the expatriation act; that the war was over; that Kentuckians were and must remain upon terms of perfect equality as one people; that every resident of Kentucky, born anywhere in the United States, was legally a citizen of Kentucky, and that to require such as had espoused the cause of the south to take and have recorded an oath of allegiance would justly be construed as an attempt to humiliate them, and would perpetuate the animosities growing out of the war, etc. Governor Bramlette listened attentively to his argument and replied that he could not answer it, and on the day following approved the bill as it had been sent to him by the legislature.

In 1868 W. P. D. Bush was appointed reporter of the decisions of the Kentucky court of appeals and held that office for twelve years. Fourteen volumes of the reports of the court of appeals were compiled and published by him, and his work in this connection received the highest commendation of the bench and bar of the state. After said appointment he was commonly called and spoken of as Judge Bush.

Removing with his family to Frankfort in 1863, Judge Bush engaged in the practice of law and continued to reside in the capital city until 1888. He was retained in many important cases in the court of appeals. In the case of the Covington & Lexington Railroad Company versus Bowler's heirs, involving the title of the Covington & Lexington Railroad, he was one of the counsel for the appellant. In the celebrated case of Hardin county versus the Louisville & Nashville Railroad Company, in which the county recovered about two hundred and seventy-five thousand dollars in money and stock of the company, he was the chief counsel of the county for some years, and in each of the above mentioned cases his fees amounted to over thirty thousand dollars. Since his removal to Louisville he has continued to practice in the courts of this city and the higher courts, although of late years his health has been impaired to some extent by

la grippe, and he has been unable to devote as much time to professional work as formerly. At the present he is giving much time to land and coal-mining interests in different Kentucky counties.

An interesting experience, and one to which it is natural that he should recur with pride, was an interview which Judge Bush had with President Lincoln during the civil war. Soon after the last draft of soldiers had been made in Kentucky, he went to Washington on his own account as a private citizen and called the president's attention to the fact that while Kentucky had sent many men into the Union army and also into the Confederate, the names of all, whether in the Union or Confederate army, remained upon the military rolls, and the small number of men left at home was required to furnish the full quota of drafted men without making any allowance for these absentees. As a result the draft bore heavily upon Kentuckians of military age who had remained at home, and was unjust to them and to the state. This presentation of facts appealed to the president to such an extent that he directed the discharge of all the men who had been drafted in Kentucky under the last call, placing the order in the hands of Judge Bush, by whom it was delivered in person to the commandant of the military department of Kentucky, who issued an order releasing and discharging all who were drafted under said call. This was an important service rendered to the state and to the large number of men who had been drafted, and who were thus released from military service at that time.

In addition to his prominence at the bar, etc., Judge Bush has been well-known throughout the state as an editorial writer and newspaper publisher. For several years he was connected with the Louisville Evening Ledger as part owner, and for some time prior to 1876 was sole owner of that ably edited journal. He has been a stanch adherent to the Democratic faith since the dissolution of the old Whig party. At different times he has taken a prominent part in the conduct of state and national campaigns, and for several years was an active and influential member of the Democratic state central committee at Frankfort.

In 1852 Judge Bush married Miss Carrie V. Ghiselin, daughter of John D. Ghiselin, a prominent citizen of Norfolk, Virginia. Happily wedded to a lady of congenial tastes, amiable disposition and superior intellectual attainments, his domestic life has been of an ideal character. He became a member of the Methodist church, south, at Hawesville, Kentucky, in 1850, and has ever since been a worthy member of that church and in all respects an honest, upright, high-minded Christian gentleman.

Finlay Ferguson Bush, son of W. P. D. Bush, and also a practitioner at the bar of Louisville, was born December 12, 1859, in Hawesville, Hancock county, Kentucky. His education was acquired mainly in the schools of Frankfort and he was graduated at the Louisville Law School with the valedictorian honors of his class. In 1881 he was admitted to the bar, and for two years thereafter served as editor of the Kentucky Law Reporter, published in Frankfort. Since 1884 he has continuously engaged in the practice of his chosen profession in Louisville, where he now a has large clientage that plainly indicates his talents in the line of his chosen vocation. His political support has been given the Democracy since attaining his majority. Fortunate is the man who has back of him an ancestry hon-

orable and distinguished, and happy is he whose lines of life are cast and continued in harmony therewith. In character and in talents Mr. Bush is a worthy scion of his race and has added to the brilliance of the record of his family.

ST. JOHN BOYLE, of Louisville, was born in Danville, Kentucky, on the 6th of September, 1847, a son of Jeremiah Tilford and Elizabeth Owsley (Anderson) Boyle. He is distinctively American: so were his ancestors, both lineal and collateral. He is connected with families that have long and honorably been identified with the south. For a century the history of the Boyle family has been closely interwoven with that of Kentucky, and the name is high on the roll of those who have added honor and dignity to the state, and made its bar one of the most famous in the nation. His grandfather, Judge John Boyle, was for six years a member of congress, for sixteen years chief justice of Kentucky and for years judge of the United States district court for Kentucky. The maternal grandfather, Hon. Simeon H. Anderson, of Garrard county, also a member of congress, married the daughter of Governor William Owsley. His father, General Jeremiah T. Boyle, was a prominent lawyer and soldier, and one of the most important factors in the upbuilding of the state and the advancement of its industrial and commercial interests through his connection with the building of various railway lines.

St. John Boyle obtained his elementary education in the public schools of his native town, and was graduated in Center College, Danville, in 1866. His professional education was acquired in Harvard Law School, he was admitted to the bar and in 1868 began practice in Louisville, where he has since remained. His practice has mostly been in the line of corporation law and his knowledge of the science of jurisprudence is most broad and accurate. Of the many able jurists in Louisville whose speciality is corporation law, Mr. Boyle stands second to none. Endowed by nature with a comprehensive mind he has attained great proficiency in the methods and sciences especially applicable to that branch of the profession to which he has given particular attention. He had little of the wearisome experience of a novitiate, no dreary waiting for clients. Almost immediately after his admission to the bar the legal interests of several corporations were entrusted to his care. Possessing legal acquirements of the highest order, supplemented with a mind of fine judicial cast, few lawyers of his age have had as extensive or as responsible engagements. His recognized ability as a lawyer, his conservative judgment and practical knowledge in all matters relating to railroads and other corporations, have for a long time made his counsel and co-operations sought in many of the largest enterprises that have been projected since he entered upon active life.

Mr. Boyle has not only continued his labors in the line of his profession, but early became associated with his father in the construction and management of street railways in Louisville, and in the building of the Evansville, Henderson & Nashville Railroad. Since that time, in connection with a large law business, he has been concerned in the management of many leading railroad and other corporations as director, receiver and counsel. With the city street railways he has been closely associated both before and after the consolidation of the two systems, and is now—as he has long been—

St. John Boyle

general counsel for the Louisville Railroad Company. From 1874 until 1879 he was receiver for the Evansville, Henderson & Nashville Railroad, and was for two years receiver, in conjunction with General John Echols, of the Chesapeake, Ohio & Southwestern. When the Louisville, New Albany & St. Louis Railroad was projected Mr. Boyle was one of the leading movers in the work, and it is largely owing to his exertions that the road was built, he being president of the corporation from 1879 until 1881. He has also been prominently identified with the construction and management in all its intricacies and details. He has great executive ability and keen discrimination, and in his management of railroad interests carries forward to successful completion whatever he undertakes.

Mr. Boyle has confined his attention closely to his profession and has taken no very active part in politics, yet is an earnest advocate of the principles of the Republican party as set forth in the platforms framed by its national conventions. In 1890 he received his party's nomination for congress, and in 1894 was nominated for appellate judge and received a most flattering vote. The result was so close that it had to be decided by the State Canvassing Board, and he failed of being accorded the seat by only the casting vote, where every member of the board of five was of the opposite political party. During the legislative session of 1896 he received the caucus nomination of his party for United States senator, in a contest noted for its length. Upon joint ballot it was found that the Democratic and Republican votes were a tie, so that it left the balance of power with the two Populist members of the assembly. Mr. Boyle received the united and enthusiastic support of his party, but the deadlock which had prevailed from the beginning remained unbroken at the end of the session.

Mr. Boyle was married on the 7th of April, 1874, to Miss Anna McKinley, and they have five children. Mrs. Boyle is a daughter of Andrew McKinley and a granddaughter of John McKinley, who served in both houses of congress and was also associate justice on the supreme bench of the United States.

Mr. Boyle is a man of most pleasing personality, though of quiet manner. His mind is strong and logical, in his methods he is original and practical, and at all times he seems to have a reserve power and strength that can rise to any occasion. In his varied relations he has maintained a manly bearing; and by reason of his integrity of purpose, his splendid abilities and his nobility of character he enjoys well-merited confidence and esteem.

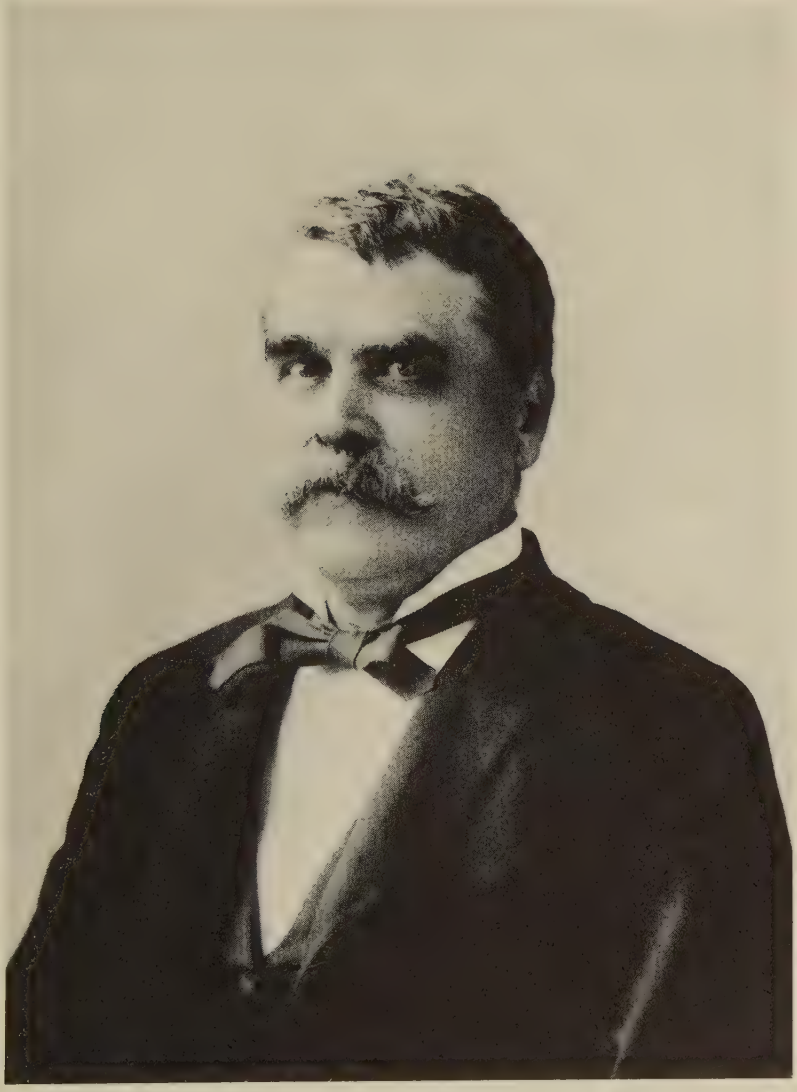
AUGUSTUS E. WILLSON, of Louisville, was born in Maysville, Kentucky, on the 13th of October, 1846, and was educated in Harvard College, graduating in the class of 1869. He came to Louisville, Kentucky, in October, 1870, and entered upon the study of law in the office of John M. Harlan, afterward associate justice of the supreme court of the United States. For some time he continued his studies and then entered into partnership with General John M. Harlan in June, 1874. In 1875 he accepted the position of chief clerk in the treasury department of the United States at Washington, District of Columbia, in which capacity he served until the following year, when he resigned. His law practice has been large and lucrative and he has at-

tained to a commanding position at the Louisville bar.

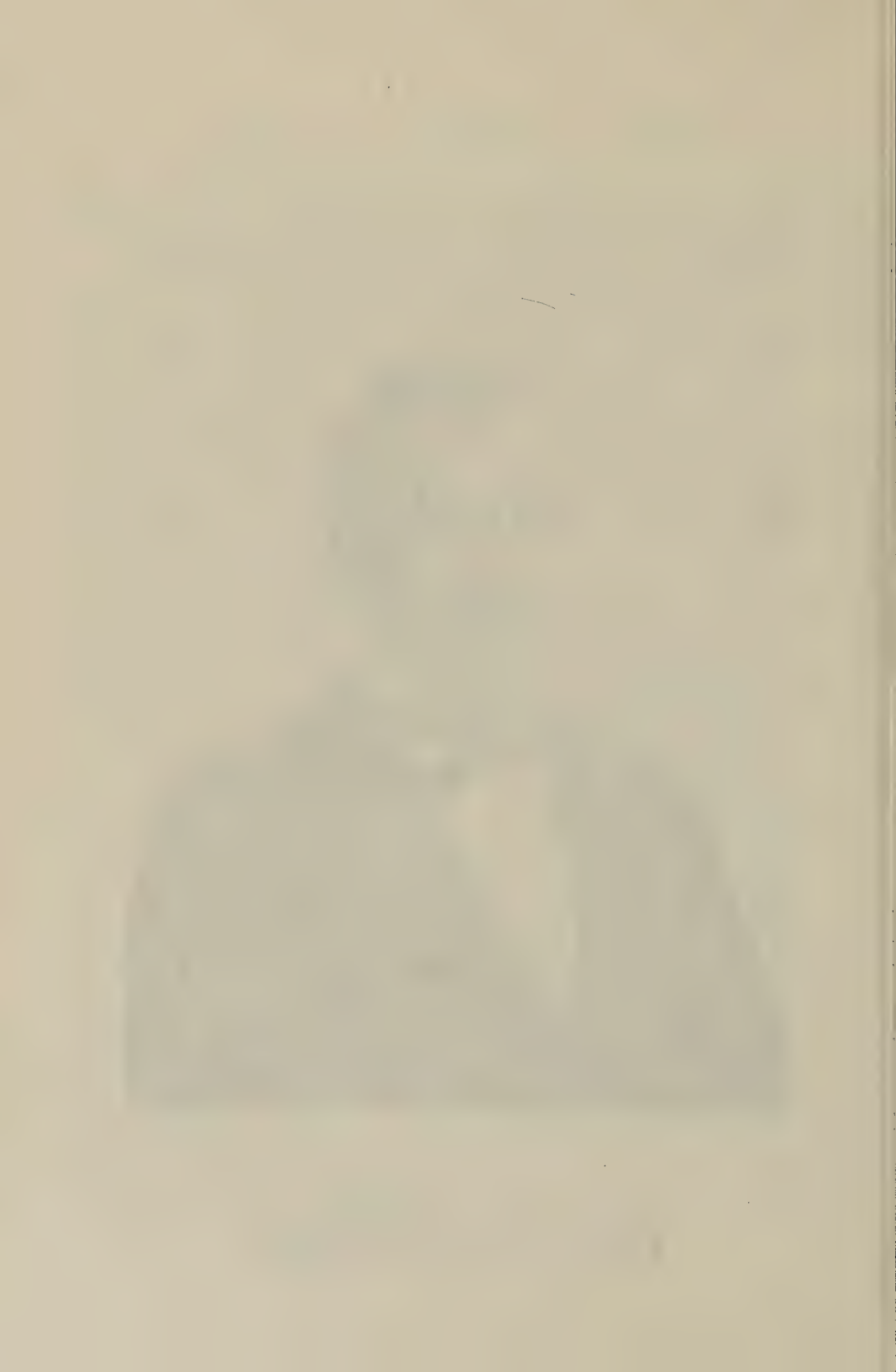
Mr. Willson has taken a most prominent part in public affairs and is a leading representative of the Republican party in Kentucky. In 1879 he was made the nominee of his party for the office of state senator; in 1880 was a Blaine candidate for delegate and after a heated contest was seated. In 1884 he was nominated by acclamation as the Republican candidate for congress, and in 1886, 1888, and again in 1892 was thus honored. In 1896 he was prominently named as the candidate for the United States senate. His labors in the political field have been most straightforward and honorable; his methods above question, and his course has commanded the respect and confidence of even his political opponents. Louisville ranks him among its most respected citizens, prominent lawyers and leading politicians.

EMMET FIELD is a resident and native of Louisville, born October 28, 1841. He is a descendant from one of the old and honored families that was prominently connected with the progress and upbuilding of Culpeper county, Virginia, and there his grandfather, Henry Field, followed agricultural pursuits. His father, William H. Field, was born in Culpeper county in 1816, and at an early age took up the study of law and fitted himself for the bar. At the age of twenty-two he became a resident of Kentucky, in Westport, Oldham county, where for several years he practiced law and then removed to Louisville. For years he was a law partner of Preston S. Loughborough and enjoyed a lucrative clientage. For some years before the outbreak of the Civil war he resided upon a farm in Pettis county, Missouri, and was killed at his home there June 5, 1861, by Union soldiers. He had expressed his sympathy with the south, but had not engaged in active service against the Union. His wife was Mary Young, daughter of Dr. Henry Young, an able physician of Trimble county, Kentucky, who lived near Bedford.

The surroundings of boyhood are essentially the same, differing perhaps only in the degree in which the advantages of education and wealth are enjoyed, and Judge Emmet Field spent his youth in the usual manner of American boys of that period. He was reared on his father's farm in Missouri, and pursued a course of study in Westminster College, of Fulton, Missouri, but text-books and all other considerations were laid aside when the Civil war was inaugurated, and from the college campus he went to the field of battle with the boys in gray who fought for the Confederacy. He enlisted in the Second Missouri Cavalry, under the command of Colonel Alexander, who was later succeeded by Colonel Magoffin and subsequently by Colonel Robert McCullough. Afterward he took up the study of law in the University of Louisville, and is a graduate of that institution. For two years he engaged in law practice in Springfield, Washington county, after which he formed a partnership with his brother, Richard Field, of Louisville, a connection that was continued until failing health compelled the junior member of the firm to remove to Minnesota. Judge Field has since been alone in practice with the exception of one year, when he was associated with Buford Twyman. He is a distinguished lawyer, of sound learning, and his devotion to his clients' interests was proverbial.



Barnet Field



W. D. Hanna

For ten years Judge Field has served on the bench of the common-pleas division of the Jefferson circuit court, having been first called to that position by the vote of the people in 1886. With strong political forces arrayed against him, he has nevertheless received the vote of the people at each succeeding election in a way that has not only given him the office, but has manifested in no uncertain way the confidence and trust reposed in him. His decisions are the highest type of a justice that knows no bias and are based entirely upon the evidence and the law applicable to it. In another direction Judge Field is also a prominent representative of the legal fraternity of Louisville, being one of the professors in the law department of the University of Louisville, his *alma mater*. For ten years he has lectured to the students of that institution, expounding the science of jurisprudence, and is widely recognized as one of the most able law educators in the state.

In 1869 he married Miss Sue McElroy, daughter of Anthony McElroy, of Springfield, Kentucky. A lady of high culture and refinement, like her husband she is gladly received in society circles, and their home in Crescent Hill, one of Louisville's beautiful suburbs, is noted for its true southern hospitality. They hold a membership in the Presbyterian church, and the Judge gives his political support to the Democracy. A gentleman of superior education and accomplishments, he is popular in the highest circles and is a man of the most excellent character and brightest personal and professional reputation. In the family are a son and four daughters. The son, William H. Field, is the accomplished literary editor of the Courier-Journal.

C. B. SEYMOUR was born in Louisville, June 17, 1846, attended the public schools and was graduated at the Louisville Male High School, on the 28th of June, 1860. His first service in the business world was as an educator. He spent two years as professor of mathematics in Shelby College, of Shelbyville, Kentucky. His choice of a life-work, however, fell upon the law, and he entered the law department of the University of Louisville. In 1868 he obtained his license and was admitted to the bar, since which time he has successfully practiced in his native city. He has never been a candidate for office, but has frequently been chosen as special judge of one or another of the divisions of the Jefferson circuit court during the absence of the regular judge. Continuously since 1874 he has been chosen as one of the directors of the Louisville Law Library, a corporation the stock of which is held by members of the Louisville bar. In 1890 he became professor of equity jurisprudence, mercantile law and constitutional law in the University of Louisville, which professorship he still holds.

WILLIS OVERTON HARRIS, who was born in Powhatan county, Virginia, February 5, 1847, and is a prominent member of the Louisville bar, has by his sterling qualities of heart and mind endeared himself to his brethren in the profession and to the people among whom his life has been passed. He was reared to manhood on the old homestead of his ancestors known as Mill Quarter, where his forefathers had lived for many generations. His father, Hilary Harris, was a farmer and landowner and was descended from William Harris, who came from England

to the United States about 1650. William Harris married Temperance Overton, of the family of Major-General Robert Overton, celebrated in English history as contemporary with Oliver Cromwell and one of the men of prominence in the great "commonwealth" government. The Overtons emigrated to Virginia and their descendants became prominent in the public affairs of that state and Tennessee. John Overton and Andrew Jackson laid out the city of Memphis, Tennessee.

Willis Overton Harris was educated with care, and at the time of the Civil war was a cadet of the Virginia Military Institute. In August, 1863, he joined the corps of that institution, and took part in the battle of New Market in May, 1864, also participated in other engagements, continuing in the service until the close of the war. In 1866 he entered the law department of the University of Virginia, graduating in 1868, and removed at once to Louisville, Kentucky, where he has since resided and practiced his profession. He served as judge of the law and equity division of the Jefferson county circuit court, by appointment of Governor Knott, holding the office from 1886 to 1887. By appointment of the judge of the United States circuit court for the sixth circuit, he acted for four years as chief supervisor of elections for the state of Kentucky. His military training and active service in the war inclined him to accept office in the Kentucky State Guards, and for six years he was a captain and major in the First regiment, at Louisville. In 1886 he was appointed by the trustees of the University of Louisville dean of the Louisville Law School, which office he still holds, lecturing on real estate and the law of crimes.

Judge Harris has devoted his life to the legitimate practice of law in all its branches, and has been associated with Judge Joshua F. Bullitt and Colonel Thomas W. Bullitt, and later with Judge A. E. Richards, all well-known and prominent representatives of the bar, but is now alone in practice. He has studiously avoided politics as a means of securing office, although an active participant in the councils of his party and an adherent of Democratic principles. As judge he had the respect and confidence of the bar and of the people, his rulings being dictated by clear judgment and strict adherence to correct principles. As dean of the Louisville Law School for ten years he has done much to build up the college, and has won for himself the love and gratitude of the many students in attendance by his kindly sympathy with them in their struggles, and by his aid and advice as they stand on the threshold of their professional careers. The alumni of the institution recognize in him not alone the professor, but also the genial, courteous and kindly friend whose interest in them and their success is most deep and sincere.

Judge Harris was married in December, 1877, to Miss Caroline Adams, daughter of Benjamin J. Adams, of Louisville, one of the pioneer merchants of that city, and from 1840 until 1863 prominently identified with every movement for the improvement of its industrial and educational facilities. The happy home of Judge Harris and his wife has been made bright and joyous by the advent of three children—Caroline, Hilary V. and William Overton. The Judge and his wife attend the services of the Protestant Episcopal church, and are interested in all good works for the amelioration of the sufferings of mankind.

SAMUEL AVRITT, of Louisville, was born August 19, 1842, near Lebanon, Marion county, Kentucky. The first American ancestors of the family came from the south of England to Virginia in 1635. In the "Merrie Isle" the name is traced back to the Norman era, and having undergone many changes in the orthography, embraces the names of Avary, Avritt, Averitt, Auveritt, Auvrey, Avrey, Averey, Auvery, Averie, Avyrie, Averye, Avray, and Avery, the last named being the most generally used in America and is believed to be more nearly the original spelling of the name of the first English ancestry, who sailed from Normandy to that land. Samuel Avritt is a son of John Avritt, and his grandfather also bore the same name. The latter removed from Virginia to Kentucky about 1790 and settled on a large tract of land in Marion county, where John Avritt, Jr., was reared to manhood. After attaining to years of maturity he married Elizabeth Marshall Tucker, daughter of James H. Tucker, of Marion county, Kentucky, and a granddaughter of Rev. John Tucker, a Methodist minister, who, with his wife, was a victim of an Indian massacre in 1792. The son of this unfortunate couple was saved by his nurse, who hid with the baby in a hollow log until after the Indians had taken their departure from that locality. The Tuckers were among the pioneer families of the state and went through the many dangers, hardships and privations which made the later development of the state possible.

Samuel Avritt is one of a family of nine children; an elder brother, B. E. Avritt, is now a physician in Marion county, Kentucky; and a younger brother, G. C. Avritt, is a member of the legal profession in practice in Lebanon. Samuel Avritt spent his youth on his father's farm and acquired his early education at the county schools and from instructions given by his mother, who was highly educated. He afterward attended the college in Bradfordsville and St. Mary's College, near Lebanon, Kentucky. He took up the study of law in the office and under the direction of Hon. George W. Kavanaugh, of Lebanon. Subsequently he continued his studies with Hon. J. Proctor Knott, and was admitted to the bar at Lebanon in 1866. He entered at once upon the practice of his chosen profession and soon secured a goodly clientage and his share of the legal business of the circuit in which he resided. He has devoted his entire time and attention to his professional duties, never turning aside into political or other fields; he has been simply a lawyer, giving his best thought and energies to the interests entrusted to his care, and his assiduous and earnest attention given to his clients' affairs has earned for him the reputation of a careful, trustworthy and reliable guardian of the interests of others. He is a clear and logical speaker, a close reasoner and a convincing advocate before court or jury. He is always courteous and self-possessed, with a poise not easily disturbed, is generous to his opponents, fair to his witnesses and has the respect of the bar and the general public.

In 1891 Mr. Avritt removed from Lebanon to Louisville, where he has since engaged in practice, enjoying a large and constantly increasing law business. He has ever been a public-spirited citizen, active in behalf of every interest and object having in view the social, educational, moral and material welfare of the people. While never an aspirant for office he has worked for the principles of the Democracy and has been

for some months the chairman of the national silver party in Louisville, and was mentioned as the candidate of the Democratic party for congress in the Louisville district at the election of November, 1896.

In 1868 Mr. Avritt married Miss Mary Phillips, a daughter of J. G. Phillips, of Lebanon, Kentucky, who was a representative of one of the oldest families of the county, where his father located in pioneer days. Mr. and Mrs. Avritt have one child, Laura E., wife of Brainard Lemmon, a large and prosperous jeweler and diamond dealer in Louisville. Mr. Avritt attends and holds membership in the Presbyterian church. He also belongs to the Masonic fraternity and is a man whose devotion to all that is honorable and straightforward in life has made him a valued citizen of Louisville, as well as a leading member of that bar.

RICHARD T. COLSTON, of Louisville, Kentucky, was born in Bardstown, this state, on the 23d day of September, 1850. His father, Joseph H. Colston, was a native of Maryland and a direct descendant of Edward Colston, of England, the celebrated philanthropist and founder of the famous Colston University, of Bristol. His mother, Mary Louisa Colston, was the daughter of the Rev. Richard Tydings, also a native of Maryland and one of the pioneer Methodist preachers of Kentucky. Mr. Colston is related to many of the best families of the east, among them being the John Marshall family of Virginia and the John Quincy Adams family of Massachusetts, both of which have given to the nation several illustrious sons whose names are associated with some of the most important events in its history. While the American citizen must depend upon his own character and achievements for his position in life, every man, whether living in a republic or a monarchy, is proud, and justly so, of an honored ancestry. In this respect Richard T. Colston has been especially favored.

He acquired his elementary education in the public and private schools of Louisville, and subsequently attended the Kentucky, Chicago and Michigan Universities. From his ancestors he inherited a martial spirit and early developed a taste for military tactics. When a mere child he was a "marker" for a company in the Kentucky State Guards, then commanded by General S. B. Buckner. The year before the war closed, when only fourteen years of age, he left home with one of Morgan's men (a spy), and in face of the greatest difficulties made his way to Paris, Tennessee, then the most advanced post of the Confederate lines, finally joining the main army under General Forrest at Aberdeen, Mississippi, and became a member of the Third and Seventh Kentucky Cavalry (consolidated). He displayed so much courage and enthusiasm as a soldier that he was soon promoted to the rank of brevet second lieutenant, and was perhaps the youngest officer in the Western Department if not the entire army. In the spring of 1865 he was captured in a fight at Montevallo, Alabama, and taken to Montgomery, that state, where he was paroled. He and a comrade then walked from Montgomery to Huntsville, over two hundred miles, expecting to go home on a visit and remain until exchanged; but the federal authorities at Huntsville would not recognize their paroles, and, on their refusal to take the oath renouncing allegiance to the Confederacy, put him and his comrade in prison, afterward sending them to the penitentiary at

R. T. Colston

Nashville, then used as a military prison, where he remained until the last hope of the Confederacy was gone. He then took the oath to support the constitution.

Soon after reaching Kentucky he entered the military department of the Kentucky University, and at once rose to the rank of captain. Upon leaving that institution he was tendered, and accepted, the position of instructor of tactics at the Kentucky Wesleyan University, with the rank of major, and organized the military department of that institution. In the autumn of 1869 he left this university and went to the Chicago University to complete his collegiate course. There he soon aroused an interest in military tactics among the students, and at the request of the regents of that institution organized and took charge of the military department, and continued to instruct the students in military tactics until the great Chicago fire in the fall of 1871, and was one of the active participants in the exciting scenes that followed that ever memorable event.

Immediately after the fire he was tendered, and accepted, the captaincy of company G, First Chicago Volunteers, organized by Colonel Sherman to assist the regular United States troops under General Sheridan in guarding the remaining part of the city of Chicago from incendiaries and thieves that were pouring into the city from all parts of the country, and did efficient service in protecting the property and lives of the people of Chicago. It was one of the members of this company, named Treat, a student of the university, who, while on guard, killed Colonel Grosvenor, a prominent lawyer and citizen of Chicago. This unfortunate affair brought on a conflict between state and federal authorities, each claiming jurisdiction of the case. The matter went on so far that the governor of the state of Illinois wrote a letter to the commonwealth's attorney of Cook county, advising him to have everybody connected with, or in any way responsible for, the death of Colonel Grosvenor, including Mayor Mason, General Sheridan, Colonel Sherman and Captain Colston, indicted and tried as accessories. Treat was finally surrendered to the civil authorities, and after a full investigation the grand jury refused to return an indictment against him and fully exonerated him from all blame. General Sheridan was so well pleased with the bearing and conduct of Captain Colston under the trying circumstances of this case, that he not only complimented him in person but also offered him an appointment to West Point, which was declined, with regret, by Captain Colston, who determined to study law.

In the year 1872 he entered the law department of the Michigan University, Judge Thomas M. Cooley then being the dean of the faculty, and graduated with honor as Bachelor of Law in the year 1874.

Mr. Colston is in the prime of life, of robust health and strong constitution. He is a man of dignified bearing, strong will power and force of character, and though naturally brave he is amiable, modest and retiring. He is a man of simple habits, pure character, domestic tastes and sympathetic nature, and is noted for his honesty, fair dealings and politeness to all. He has a broad, comprehensive mind, and is liberal and conservative in his views. His manner is convincing, and though not an orator he is a fluent speaker and a sound and logical reasoner. While not a wealthy man he has, by his energy and sound judgment, accumulated considerable property. He is engaged in general practice, but gives

special attention to municipal and corporation law.

He has never held, nor even been an aspirant for any political office, but has wisely refused to follow the *ignis fatuus* of politics that has allured so many young lawyers on to their ruin. He is a Democrat, and has always voted for the nominee of his party until the presidential election of 1896. In local elections, however, where political principles are not involved, he makes it a rule to vote for the "best man," regardless of his party affiliations.

STERLING B. TONEY, of Louisville, was born at Villula, Russell county, Alabama, May 24, 1850. His grandfather, Colonel William Toney, was a wealthy planter and slave-owner of South Carolina, and founded the city of Greenville in that state. He won his title through valiant service in the war of 1812, in which he commanded a cavalry regiment. For some years prior to his death he was one of the most extensive cotton-planters of the south, having large estates in Georgia and Florida. Washington Toney, the father of the Judge, was born in Spartanburg, South Carolina, in 1810, and was a graduate of the University of South Carolina. For many years he resided at a beautiful home called Roseland, near Eufaula, Alabama, where he died in 1874. He was a man of scholarly tastes, well versed in science and literature, and was a planter of prominence.

Judge Sterling B. Toney received the advantages of education that wealth could procure and the character development of a cultured home. He was graduated in 1869 on the completion of a full academic course in one of the colleges of Alabama, and immediately afterward entered the University of Virginia, where he remained for three years, graduating therefrom under the renowned Professor McGuffey, in philosophy, and under Professor John B. Minor in law. He entered upon his professional career as a practitioner at the bar of Eufaula, Alabama, where he remained until 1874, when he removed to New York. For two years he was a member of the legal fraternity of that city. He then married Miss Martha Burge, one of Louisville's most accomplished ladies, and removed to the city, where he now makes his home. The Judge and his wife have two children, R. Burge and Emma Louise Toney.

As a practitioner at the Louisville bar Judge Toney met with a success that his intelligence and integrity deserve. He early evinced the highest capacity for original investigation and interpretation of the law, and his reasoning was most logical. Well equipped for the profession he had chosen, by natural qualifications as well as by education; vigorous, energetic and capable in all departments of practice, Judge Toney rapidly grew into prominence at the bar of Louisville. In 1886 he was elected judge of the Louisville law and equity court, and in the exercise of his judicial functions still further strengthened his hold upon popular favor. In 1895 he was elected a judge of the Kentucky court of appeals, but, his election to that high office being contested, a fine sense of honor caused him to decline to accept the position, because the board of contest did not render a unanimous decision in his favor, three members of the board holding for him and two in favor of the Republican candidate. On the expiration of his first term as judge of the law and equity court, he was elected without oppo-

sition and is still serving in that capacity with distinguished honor. As a jurist he has evinced a broad knowledge of law and equity jurisprudence, a conscientious regard for the rights of all classes of litigants, and excellent capacity for research and investigation.

Many of Judge Toney's decisions have been widely copied in the leading law journals of the country, and cited and quoted in many of the supreme courts of the different states. His decision in the famous case of Arnett versus The Wathen Mason Manufacturing Company, involving the doctrine of the entirety and divisibility of contracts and the remedies in cases of breaches thereof, is reported in full in the twenty-sixth American Law Register. His opinion in the case of the Louisville Bagging Company versus the Central Passenger Railway Company, on the use of electricity for the propulsion of street cars, was one of the first in point of time rendered by the courts of the country, and this opinion is reported in full in Third Electric Cases. It is also given prominence and quoted by Mr. Caseley in his admirable law book entitled "Caseley on Electric Wires." The same decision is referred to and cited as authority in Randolph on "Eminent Domain," "Booth's Street Railway Law," the "American and English Encyclopedia of Law" and "American and English Railway Companies." His decision in the case of the Kentucky Wagon Company versus the railroads, in which he passed upon the right of the railroad companies to collect demurrage charges for the detention of their cars by freight consignees, was another decision which attracted much attention, and when rendered (in 1892) was published in all the leading law journals of the United States. In the case of the Adams Express Company versus The State of Kentucky he held the statute providing for a special license tax per mile to be unconstitutional, a decision which was affirmed by the Kentucky court of appeals. This decision also obtained wide publicity in law periodicals, and was strongly commended editorially in the Albany Law Journal and by distinguished members of the bar in personal communications to Judge Toney.

The Democratic party has received the unwavering support of Judge Toney since he attained his majority. He attends the Episcopal church, and is a valued member of the Masonic and Odd Fellows societies, the Knights of Honor and the Benevolent Protective Order of Elks. His personal and official career commend him implicitly to the respect both of the bar and the general public. He is a man of scholarly attainments, of broad research in the field of general literature, is a graceful writer and a fluent and brilliant speaker.

ROZEL WEISSINGER, of Louisville, was born in August, 1848, in what was then known as Central Park, Kentucky, his father at that time owning all the land in that vicinity. As a boy he received careful educational training at home, and in his early youth was sent to a famous private school in Frankfort, conducted by B. B. Sayre. He afterward became a student in Princeton College, New Jersey, where he was graduated in the class of 1868, with the degree of Bachelor of Arts. Soon after he returned to Kentucky and went to live in Spencer county, where his mother had previously located. In a short time, however, he came to Louisville to attend the law department of the University of Louisville,

and his legal studies in the schoolroom were completed by his graduation, in 1871, with the degree of Bachelor of Law. Kentucky's metropolis was thereafter the scene of his professional labors. He had a deep love for his chosen calling, and his knowledge of the science of jurisprudence was comprehensive and exact. In court, when he made a statement, whatever its nature, judge and lawyers never thought of questioning it, for it had become a matter of history that, instead of straining a point in his own or his client's favor, he would keep so well within the limit that a controversy would but strengthen his position. He was retained as counsel on many of the most important litigated interests in the courts of Kentucky, and ranked as the peer of the ablest members of the Louisville bar.

Early in his professional career Mr. Weissinger revealed an ability which caused him to be elected dean of the faculty of the law department of the University of Louisville and professor of mercantile law and equity jurisprudence. As such he met with marked success. His popularity as a lecturer won the school a large patronage, and was the means of placing it in the present high position it now occupies. He served from 1884 to 1890, when he resigned in order to devote his energies more exclusively to the practice of law.

He was a prominent figure in the political world, although he was seldom seen in political office. In 1877 he became a member of the city council of Louisville, and not until his elevation to the state senate was he again in office. He was unwavering in his support of the Democracy, and a firm believer in the monetary system advocated by John G. Carlisle and other prominent party leaders. His work in the general assembly was of a most important character. He was instrumental in securing the passage of the husband and wife bill. The injunction bill, under which the lawyers of Kentucky are now practicing, will also stand to his credit, together with other measures, which prove him to have been a close student and conscientious seeker after that which would benefit the people. He was so honest, candid and manly that even those who were his professional and political opponents could but admire his sterling worth. Probably his most conspicuous characteristic was his unswerving devotion to what he believed to be right. Neither the persuasion of friends nor the threats of enemies could move him from a position which he believed to be the correct one.

Some years prior to his death, which occurred March 9, 1896, while attending to his senatorial duties in Frankfort, Mr. Weissinger entered into a law partnership with Hon. A. E. Richards, of Louisville, who, at a public meeting held to take action on the death of Mr. Weissinger, spoke as follows:

"As a lawyer Mr. Weissinger possessed a judicial mind, a trait that is not always found even in the great advocate or successful lawyer. It was his by nature, but it had been greatly strengthened by training. The many years during which he, as a professor in the University of Louisville, so conscientiously taught young men the principles of equity, only tended to strengthen those principles in his own heart and mind and enable him the better to apply them in his daily intercourse with lawyers and litigants. I have seen him refuse to make a point for his client that did not accord with his sense of right and justice. He would select what he considered the strong positions in his

case and fight for them with all his strength. At the same time he would be just to the opposing litigant, and fair to the opposing lawyer. He would scorn to win a judgment in any other way than by the strength of his own case.

"Although in later years he led a very busy life as a lawyer and a professor of law, yet he found time for careful reading and study in many other directions. Among others was the study of the principles of finance as applicable to our government. His opinions upon questions of currency, with which the public became so familiar within the last few months, were not the result of some recent and spasmodic investigation, but they were born of years of careful research and study. So thoroughly had he equipped himself in this way that when the time came for him to publicly express his views, he sat at his office desk and dictated to his stenographer his book with ease and fluency and without any apparent interruption in the discharge of his professional duties. He knew that he was writing upon an economic question about which his fellow citizens, regardless of parties, were divided in opinion, and that his book would invite the criticism of his opponents; but this did not disturb his equanimity, for he was but expressing in words the conscientious convictions of his mind and heart. He felt that he owed it to his state and country to write what he did.

"The same honesty and directness of purpose that marked him as a lawyer and writer actuated him in becoming a candidate for state senator and in the discharge of the duties of that office. Although his election was contested by an able and active opponent, yet his views upon the questions of the day were openly and candidly expressed all through his canvass. No one can claim that his constituents elected him state senator in ignorance of those opinions.

"And after his election, I remember well the course of preparation he adopted as the session approached. He did not care to simply enjoy the honor and emoluments of his position. To use the language of a distinguished president, he felt that a 'public office was a public trust.' So he carefully studied in advance of the session the statutes of this and other states to find how he might best serve his people. * * *

"Unfortunately the present session of the legislature did not afford him the opportunity to continue his work as a lawmaker, but the contest that has engaged the attention of the general assembly has brought out, more prominently than anything else could have done, the striking characteristics of our deceased brother. It matters not upon which side of that contest our preferences and opinions may be arrayed, no one will doubt that Rozel Weissinger stood where he thought his duty called him; no one will doubt that he did what he considered best for his state and country. He postponed law cases and waived aside social pleasures that he might always be at his post of duty; he allowed nothing to divert him. It was not self-promotion for which he strived; it was not public opinion that he courted; it was not adverse criticism that he dreaded; it was but following the honest convictions of his own honest heart.

"I doubt whether he ever stopped to think, in this struggle for what he considered right, the demands he was making upon his physicial strength. When he was scarcely able to walk he went to the senate in discharge of his official duties. Only two days before his death, when lying upon his

sick-bed, the news is brought to him that a crisis has been reached in the senatorial contest; he signs with his enfeebled hand the paper that is to send one more vote to the cause he loved. It was around that paper that his friends rallied like patriots rallying around the flag of freedom. * * * As has been said of another, we may well say of him, 'And thus this man died, leaving his death for an example of a noble courage and a memorial of virtue, not only to young men but unto all his nation.' "

JOHN S. JACKMAN, of Louisville, was born in Carroll county, Kentucky, in December, 1841, and is a descendant from ancestry who in the early history of the state bore an important part in the events which form its annals. His father, Benjamin Jackman, a native of Pennsylvania, came to Kentucky in his youth and located in Carroll county early in the present century. He became one of the leading contractors in improving the navigation of the Kentucky river, and aided in building the first state penitentiary at Frankfort. His ancestors, of English birth, came to America from Land's End prior to the Revolution. The mother of Mr. Jackman bore the maiden name of Elizabeth G. Knox, and was a native of Franklin county, Kentucky. Her father, John Knox, was born in South Carolina, and his father was a native of Ulster county, Ireland. The former served as a commissioned officer in the war of the Revolution, and at the battle of Cowpens was wounded; later, removing to this state, he settled in a fork near Harrodsburg, was actively engaged in the early contests with the Indians, and finally established a home in Frankfort. After his death, by order of congress, a monument was erected to his memory as a Revolutionary soldier, in Gallatin, now Carroll, county.

Thus from ancestors who with stout hearts and willing hands opened the way to civilization in this section of the country has John S. Jackman descended. He spent his childhood days in his native county, attended its public schools and remained in his parents' home until twenty years of age, when he entered the Confederate service as defender of his loved southland. He was enrolled as a member of Company B, Ninth Kentucky Infantry, of the First Kentucky Brigade, and during the greater part of the time served as regimental clerk, but participated in many of the most hotly contested engagements of the long struggle, including the battles of Shiloh, Vicksburg, Murfreesboro, Jackson, Chickamauga, Mission Ridge, Rocky Face Gap, Resaca, Dallas and Pine Mountain. The last named occurred on the 14th of June, 1864, and in the midst of the engagement Mr. Jackman sustained a severe wound, a fragment of shell striking him on top of the head a little to the right of the crown, breaking and depressing the bones of the skull. He was thus disabled for any further service during the war.

When hostilities had ceased and Mr. Jackman had recovered from his injuries, he went with Colonel John W. Caldwell, commander of his old regiment, to Russellville, Kentucky, where he read law. In 1869 he was admitted to the bar and at once entered upon practice. In 1871 he came to Louisville, where he has since resided, and although a general practitioner he has steadily eschewed criminal cases and has confined himself principally to the chancery practice, thus acquiring a large clientage. To his

Jno. J. Jackman.

care have been entrusted some important cases that have been heard in the court of appeals, and the volume of his business has constantly grown as he has demonstrated his ability to successfully handle the important litigation which comes before that high court. He was appointed United States register in bankruptcy for the Louisville district, succeeding General Eli H. Murray, who was appointed governor of Utah, and served in that capacity until the abrogation of the office by the repeal of the statute providing for its establishment, his term of service covering the latter period of the law.

In 1884 Mr. Jackman was united in marriage with the daughter of Chesly B. Roundtree, a merchant of Nashville, Tennessee. Socially he is connected with the Masonic fraternity, in which he has taken the Royal Arch degrees. In his political adherency he is a Democrat, but is not actively interested in politics, and has never been an aspirant for official honors. His undivided attention is given to his legal practice and his fidelity to his clients' interests is well known, while his diligence and energy in the preparation of his cases, as well as his earnestness and courage with which he defends the right, as he understands it, challenges the highest admiration of his associates.

THE OLD AND NEW COURT STRUGGLE.

BY W. H. MACKOY, OF THE COVINGTON BAR.

THE time during which two courts of appeals sat in the state of Kentucky, each claiming to be the court of last resort, under the constitution and laws of the state, was only two years. The causes which led up to this condition of things, however, preceded by many years the passage of the act constituting the new court of appeals, and had their origin in the early history of Kentucky and in the embarrassed financial condition of the people of the state.

The struggle between the Relief and the Anti-relief parties, or the Old Court and the New Court parties, as they were sometimes indifferently called, reached its crisis in the year 1825, but the effect of that struggle continued to be felt for many years afterward, not only in the state of Kentucky but also in the United States as well. Indeed, one philosophic historian finds in it and in adjudications, by the supreme court of the United States, of questions which it gave rise to, a chief cause of the troubles from which the country is to-day suffering. The similarity in many respects of the controversy to that which engaged the attention of the country during the presidential year of 1896 lends to it additional interest at the present time. There were hard times everywhere in the years succeeding the fall of the first Napoleon. A generation of warfare had wasted human life, destroyed capital and interfered with political progress, industrial growth and intellectual development. In England the purchasing power of the workingman's wages had diminished fifty per cent, and wages were relatively lower than at any other period of the world's history. The power loom had thrown the hand-loom weaver out of employment without improving the condition or increasing the wages of the machine weaver, and there was distress and poverty in city and country. The hungry weavers called upon parliament for help and receiving none turned with violence upon the machines which they believed to be the cause of their woes. Workingmen were prohibited from combining to increase their wages, which were lessened by competition with women and children of tender years. There were riots in the large cities and idle men vainly "tramped" the country in search of employment. England exhibited the appearance of a dying nation and philosophical speculators began to attribute the evils of the times to over-population and to devise methods by which to limit the production of the human species.

Adam Smith had published his work on the "Wealth of Nations," but the laws of political economy were so little understood that there were statesmen who believed that a protective tariff, which would make bread and meat scarce and secure for England the

home market for its grain and cattle, would make the country prosperous. As a result large towns were sometimes without grain or meal, magistrates undertook to regulate the amount of bread which families might consume, and in one large city in Scotland, to prevent waste, bread could not be cut until it had been twenty-four hours out of the oven. Nearly every article of use or consumption was heavily taxed and the more necessary the article the greater the tax. In the case of salt the tax was forty times its cost. The tax on windows shut out the light of the sun from homes; the tax upon paper and newspapers excluded intellectual light from the occupants of those homes. One-half of the children of England were growing up without education and an equal proportion of the adult population could not write their names.

It was of this period that Sydney Smith wrote: "The school boy whips his taxed top; the beardless youth manages his taxed horse with a taxed bridle on a taxed road; and the dying Englishman, pouring his medicine, which has paid seven per cent, into a spoon which has paid fifteen per cent, flings himself back upon his chintz bed, which has paid twenty-two per cent, and expires in the arms of an apothecary, who has paid a license of one hundred pounds for the privilege of putting him to death. His whole property is then immediately taxed from two to ten per cent. Large fees are demanded for burying him in the chancel; his virtues are handed down to posterity on taxed marble; and he is gathered to his fathers to be taxed no more!"

The Reform Bill had not yet been enacted; it was still the day of rotten boroughs and of town councils, the members of which selected their own successors. Members of parliament openly bought their seats and with equal publicity sold their votes to reimburse themselves for their outlay.

In the year 1816, in the midst of this distress, poverty, corruption, ignorance of the laws of trade and of the doctrines of political economy, one act was passed by parliament, probably, as has been said, "without any particular design on the part of those who brought it about," which more than any other has contributed to the commercial supremacy and wealth of England, the act making permanent "the gold coin made according to the indentures of the mint the sole standard measure of value and legal tender without any limitation of amount, and the silver coin a legal tender to a limited amount only, for the facility of exchange and commerce."

If such was the condition of England and its people in the years following the fall of Napoleon, small wonder then that the offsets of the English race in the United States should be floundering in financial distress, ignorant of the means by which they should relieve themselves.

In the states along the seaboard, ships were rotting at the wharves, grass was growing in the streets of once busy cities, the currency was deranged, banks had suspended specie payments, prices were falling and capital could not be profitably employed. The establishment of the Bank of the United States in 1816 mended matters for awhile, but its bad and dishonest management, and the lending of its funds for speculative purposes again involved the country in pecuniary distress.

In Kentucky the financial condition of its people was worse probably than in any other state. From the first settlement the lot of

the Kentucky pioneer had been one of hardship. Separated from civilization by mountain ranges and trackless forests, the early settlers were farmers and soldiers by turns, cultivating the soil for their subsistence and at the same time defending their homes from marauding bands of Indians. The skins of wild animals had formed the first medium of exchange, and money had never been abundant in the state. The only accessible market for its surplus products a century ago was to be found in the Spanish posts and towns on the lower Mississippi. From commerce with them, Spanish milled dollars made their way into the state, which for purposes of change were subjected to a rude species of recoinage by cutting into wedge-shaped pieces, which from their form, were called "sharp skins." Pins, needles and writing paper were used for making small payments. A merchant of Louisville who brought a barrel of coppers from the east, barely escaped mobbing at the hands of his fellow storekeepers, who were indignant at this innovation upon old customs. The use of cut money became so general that in 1809 the legislature of Kentucky passed an act providing for its exchange at three per cent. discount and forbidding its receipt for taxes after April 1, 1812. In the latter year it was enacted that cut money, if received thereafter for taxes and debts due the state, should be weighed. Silver dollars were not numerous enough, however, to supply the wants of trade, and they were supplemented by notes issued by individuals until the evil of private "shinplasters" became so great that in 1817 their circulation was prohibited under severe penalties.

The war of 1812 bore heavily upon the state. Some of its best blood had been poured out in defense of the feebler state of Ohio and of the territories of Indiana, Illinois and Michigan. Its resources, which were not great, had been called upon to defray the expense of expeditions to the northwest and Canada. The close of the war found the people of the state poor and in debt, and the legislature was called upon to protect the needy debtor class, which made up the great majority.

If England knew nothing of the science of political economy at that time, if English statesmen were unable to devise means to relieve the distress prevailing in their country, what was to be expected from the legislature of a state that was then on the confines of civilization? There was no system of public education in Kentucky; there were no public libraries, and private libraries were neither good nor numerous. Transylvania University at Lexington gave opportunity for a collegiate education to those who were able to avail themselves of it, but the best colleges of that day devoted more attention to the history and affairs of ancient Greece and Rome and to their statesmen, orators and generals than they did to the consideration of those things which make a state prosperous and contribute to the well-being of its inhabitants. There were a few good academies and secondary schools here and there through the state, taught by scholarly Virginians and by English, Irish and Scotch pedagogues, who had received a university training in the old country, in which the men who became prominent in the early history of Kentucky as lawyers, preachers, physicians and politicians received their elementary education. The pupils at these schools were well grounded in the classics, could read the orations of Demosthenes and Cicero, appreciate their beauties and imitate their style better than many graduates of mod-

ern colleges and universities. They were proficient in the elements of mathematics, and understood, practically and theoretically, the art of surveying.

In these academies were educated the men who gave Kentucky its prominence in the first half of the present century. They were, for the most part, men of robust intellect, trained to think quickly, of ready eloquence, and dangerous antagonists, either at the bar or on the stump. James Buchanan bore testimony to the men of that day. In 1813, Buchanan, whose father owned a tract of land in Kentucky, by his father's advice, settled at Elizabethtown, the bar of which was very strong. At the first term of court, after his arrival, he saw Ben Hardin, whom he did not then know, dressed in a suit of unbleached tow linen, of clumsy fit, that gave him a clownish appearance, to his surprise take his seat among the lawyers in the court-room. When he heard him, however, argue a legal proposition in a clear and logical manner, he determined to abandon his new home and to return to Pennsylvania. Years afterward, when he met Ben Hardin in Washington, as a member of congress, he told him that he went to Kentucky expecting to be a great man there, but that every lawyer he came in contact with was his equal and half of them his superiors; and so he gave it up!

But while Kentucky, for a new state, had very many men who were equal to the best equipped English-speaking public men of that day, the great majority of the people were not educated. Their information in regard to political questions was derived mainly from their public speakers, and they were peculiarly susceptible to the arts of the orator and easily led astray by fallacious arguments when garbed in eloquent phrase.

The financial depression in the state after the war of 1812 was so great that the readiest mode of relief was considered the best without regard to remote consequences. The debtor class, as the more numerous, has always appealed to the tender susceptibilities of legislative bodies. This was true during the colonial period of this country and during the years when the articles of confederation were in force. Colonial assemblies and state legislatures had not hesitated, time and again, to step in between the debtor and his creditor and delay or obstruct the collection of debts. When peace was made with England in 1783 nearly all the states had laws in force which suspended the collection of debts or permitted them to be paid in property or paper money. It was the effect of these laws upon British creditors that caused the English government to refuse to surrender, in accordance with the terms of the treaty of peace, posts within the boundaries of the United States. In Virginia, in 1783, the debtor was allowed to tender real and personal property in discharge of executions. South Carolina, in 1784, suspended the recovery of all debts nine months, and then made them recoverable in four equal annual installments, and afterward extended the installments one year longer. New York made the debts of her citizens payable in paper money or property and provided a fund of paper money to be loaned for the payment of debts. One of the causes of Shay's rebellion in Massachusetts was the desire to abolish all debts.

As Fisher Ames said, in his funeral oration on the death of Washington, in referring to that period, "Justice, in some of the states, was iniquity reduced to elementary principles, creditors were treated as outlaws and bankrupts were armed with authority

to be persecutors; and by the shock of all confidence and faith, society was shaken to its foundations."

It was to prevent the enactment of such laws, the evil effect of which had become so manifest, that it was provided in the constitution of the United States "that no state shall pass any law impairing the obligation of contracts."

From the year 1799 it had been the law in Kentucky that a judgment debtor might stay, or, as the technical term was, replevy a judgment or execution for three months, by giving bond with surety, the bond, upon its maturity, having the effect of a judgment. In February, 1815, the legislature of Kentucky passed an act extending the term of stay of judgments, whether rendered upon contracts entered into before or after the passage of the act, to twelve months, upon the execution of bond by the judgment debtor, unless the judgment creditor should indorse upon the execution that notes of the Bank of Kentucky or any other incorporated bank in the state, or of the treasury of the United States, might be accepted by the officer in discharge of the execution, in which case the stay should be for only three months. If the debtor was so unfortunate as to be unable to give bond for the stay of the judgment or execution, the creditor was still not permitted to collect his judgment forthwith, for in that case the property seized in execution could be sold only upon a credit of twelve months. This act was to continue in force for one year; but as one year brought no improvement it was continued from year to year by successive enactments of the legislature. The effect of such legislation was to impair confidence and to destroy credit. Persons who had money were unwilling to lend it, and merchants did not care to part with their goods except for cash. It was thought that by making money plentiful, improvement in business would follow.

An "omnibus" act, called the independent bank act, was passed January 26, 1818, which chartered forty-three banks of issue and deposit, scattered from one end of the state to the other, with an aggregate capital of $8,720,000. These banks were authorized to begin business as soon as one-fifth of their stock subscriptions had been paid in, and were permitted to redeem their paper either in specie or in notes of the Bank of Kentucky, in which the state was a large stockholder, or in notes of the Bank of the United States. They were not subject to state inspection or supervision, but were under the entire control of their own directors and officers, who were frequently dishonest and in most cases ignorant of the simplest rules of banking. With their establishment began an era of speculation which was widespread, short-lived and disastrous, and served to augment largely the prevailing distress.

In two years the legislature was called upon to undo that which it had done, and February 10, 1820, the independent bank act was repealed. The repealing act began with a lengthy preamble, which set out, among other reasons for the action of the legislature, that "a bank charter, from its nature, extends and necessarily confines the powers and privileges granted, to a few to the exclusion of many. It therefore follows as an unavoidable conclusion, that if the powers and privileges granted in a bank charter operate against the public good, the people, by their legislature, have the primitive right to revoke such charter. To the end, therefore, that the good people of

this state be delivered in future from the baneful effect of powers and privileges granted by the laws establishing independent banks in this state, which have been exercised in many instances in the plenitude of tyranny, oppression and abuse, to the great injury of the good people of this state, the said act establishing independent banks is repealed, the repeal to take effect from and after May 1, 1820."

To relieve "the good people of the state" still further, who, in the opinion of those constituting the majority of the legislative body belonged to the debtor rather than to the creditor class, the legislature, upon the day following the repeal of the independent bank act, enacted a more radical measure of so-called relief than any that it had yet passed. This act, which was to continue in force until March 1 of the year following, extended the term of stay, when bond was given, upon executions on every judgment, decree or bond having the force of a judgment, from three months to one year, in those cases in which the execution was indorsed that notes of the Bank of Kentucky would be received in discharge thereof. When no such indorsement was made, then the stay was to be for two years. If, when the indorsement was made, the debtor failed to execute a replevin bond, his property could be sold only upon a credit of one year; but if no indorsement was made and the debtor failed to execute a replevin bond, then his property was not permitted to be sold except upon a credit of two years.

The debtor class had now enjoyed legislation intended for its relief and protection for a period of five years, and, at the end of that time, found its condition worse than it had ever been. It had not, however, learned wisdom by experience. It had, indeed, found the independent banks a snare and a delusion, but there remained to be tried the experiment of state banking. If the beneficent government which had stepped in between the creditor and his debtor could be induced to lend the latter the money with which to pay his debts, all might yet be well. It was resolved, therefore, that the state should engage in the business of banking so that every county and every individual might share the benefits to result therefrom. It was true that the state had no specie to constitute a fund for the redemption of the notes which it was proposed that the new bank should issue, but that was a matter of trifling importance to the financiers who composed the majority of the legislative body.

By an act which became a law November 29, 1820, the "Bank of the Commonwealth" was established. The capital stock of the bank, which was to belong exclusively to the state, was fixed at two million dollars, which was to be raised from the sale of land warrants and vacant lands belonging to the commonwealth and from the unappropriated revenue of the state on hand at the end of each session of the legislature. The capital stock held by the state in the Bank of Kentucky was also to be considered a part of the capital stock of the new bank. There was to be a mother bank at Frankfort, under the management of a president and twelve directors, to be chosen annually by joint ballot of both houses of the general assembly, and branch banks in each judicial district, under the management of eight directors, to be chosen in like manner. A due proportion of the capital stock was to be allotted to each branch. It was authorized to issue notes to an amount not exceeding three million dollars before the next ensuing session of

the legislature, to contract indebtedness not greater than double the amount of its capital stock, to discount bills and notes, and, in the language of the act, "to make loans to citizens of the state in the nature of discounts of real-estate," secured by mortgage, not exceeding in amount one-half of the unincumbered value of the property.

That all the benefits of the bank might be confined to the state of Kentucky, it was provided that no loans should be made to any other government or state except the commonwealth of Kentucky, nor to a citizen of another state, nor to any corporation. That each county and its citizens might share in the blessings that would accrue from the new bank, the president and directors of the mother bank were required to apportion the loans so as to secure to the citizens of each county a just proportion of the capital to be loaned, to be ascertained by the taxes paid by each county into the state treasury for the year 1820, and the sums so loaned were to be reloaned to the citizens of the same county.

The regulations in regard to loans, intended to promote equality and not to harass borrowers by compelling them to pay with unseemly haste, would commend them to the most enthusiastic "middle-of-the-roader" of to-day. No one could borrow more than two thousand dollars, nor were loans to be made for a greater term than one year; but this severe rule was mitigated by the provision that not more than one-tenth of the sum loaned could be called in when due unless sixty days' previous notice had been given. Borrowers upon real estate were required to produce a clear and valid title in fee simple to the property proposed to be mortgaged, a certificate from the clerk of the county court that it was unincumbered, to make oath to the same effect, and the land was then valued by commissioners, of whom there were five in each county, who received one dollar each for their services from the borrower. Mortgages to the bank were considered as of record from their date, if recorded within thirty days, and had priority over other mortgages not previously recorded.

In the settlement of estates of decedents, notes due the bank were of superior dignity and had to be first paid. No money was permitted to be loaned during the year 1821 except to enable a person to pay his just debts or to purchase live stock or produce of the country for exportation. If a greater rate of interest than six per cent was exacted, the officer, director or clerk concerned in making the loan was subject to a penalty of one thousand dollars.

The notes of the bank were redeemable in gold and silver, although the bank had neither, and it was required to receive in discharge of debts due to it, its own notes, specie, notes of the Bank of Kentucky or such other notes as were at par. The state and its counties were required to receive the notes of the bank in payment of all taxes.

An annual report had to be made by the bank to the legislature of the names of its borrowers, the amount borrowed and the security held therefor.

To keep this wonderful bank out of politics, and to prevent members of the legislature from electing themselves to its offices, no member of the legislature enacting its charter was permitted to be an officer or director of the mother bank or its branches until one year after the expiration of his term of service, and the election of any officer of the bank to the legislature vacated his office in the bank.

It was provided finally that the interest on all loans should be a part of the revenue of the state.

That the bank might go into speedy operation and begin to diffuse its blessings among the unfortunate debtors of the state, the president and directors of the mother bank were authorized to appoint persons to sign notes of the denomination of one dollar and less, and the sum of seven thousand dollars was appropriated to purchase the necessary books of account, plates and paper. This sum was the only capital the bank had.

To force the notes of the Bank of the Commonwealth into circulation, at the same session of the legislature by which the bank was established, an act was passed (December 25, 1820) changing the replevin law again, and reducing the term of stay upon judgments and executions from twelve to three months if the judgment creditors should indorse upon the execution that notes of the Bank of Kentucky, or of the Bank of the Commonwealth would be received in payment thereof, but otherwise an execution upon a judgment could be stayed two years, and even an execution upon a bond given to stay a judgment could be still further stayed one year unless indorsed in like manner, thus adding one stay upon another.

The following winter (Act of December 18, 1821), either for the purpose of making the new bank popular or because the legislature supposed that the profits of the bank would be so large that it could afford to provide generously for the people of the state, one-half of the net profits of the bank were set apart as a literary fund, to be distributed in just proportion to the counties of the state for the support of a general system of education, while one-half of the net profits of the Lexington branch were appropriated to Transylvania University until its debts were paid, one-third of the net profits for two years of the Harrodsburg branch to buy a library and philosophical apparatus for Center College, and one-third of the net profits for two years of the Bowling Green branch to purchase a library and philosophical apparatus for Southern College.

The original intention of the legislature in passing the stay laws had been to afford temporary relief to the debtor class with the expectation that the needy debtor would soon be able to help himself. This expectation had been disappointed and the means adopted had merely made the debtor more worthless and more dependent. The new bank had been established for the avowed purpose of lending money to persons to enable them to pay their debts, but its notes, based solely upon wild lands and the credit of the state, would not circulate at par.

The relief laws were then used for the secondary purpose of giving circulation to the notes of the bank, and an act was passed (December 21, 1821) prohibiting the sale of property upon execution, decree or order, for less than three-fourths of its appraised value, unless the plaintiff would consent to receive notes of the Bank of the Commonwealth or of the Bank of Kentucky in discharge of the execution, decree or order, in which case the property could be sold, without appraisement, for what it would bring.

Before the Bank of the Commonwealth was established the notes of the Bank of Kentucky were at a discount of fifteen per cent. and it had suspended specie payment. This was caused by the demand made for the payment of its notes by the Bank of the United States, of which there were two branches in Kentucky. The indignation

among the members of the relief party at this action of the Bank of the United States was unbounded and had an effect ultimately upon the fortunes of that bank.

Notwithstanding the legislation in favor of the Bank of the Commonwealth, its notes continued to depreciate, and in March, 1822, fifteen months after its establishment and only ten months after it began business, they were worth only sixty-seven and a half cents of their par value. Even the Bank of Kentucky refused to receive them, whereupon the legislature used its power to procure the election of directors of that bank who would accept them. This measure led to the failure of the Bank of Kentucky and its charter was soon afterward repealed. (Act of December 5, 1822.)

The removal of the competition of the Bank of Kentucky and the cancelation by burning, about the same time, of seven hundred and fifty thousand dollars of the paper of the Bank of the Commonwealth, did not help the latter, the notes of which in the fall of 1822 were only worth fifty cents on the dollar. A Kentuckian, writing to one of his friends at that time, says: "The Bank of the Commonwealth has nearly destroyed all commerce or trade, extinguished personal credit and broken down confidence between man and man, as well as damped and depressed the industry of the state."

To the populistic legislation of that day there was, from the first, determined opposition. A minority, composed of the thrifty and intelligent farmers and merchants, and embracing within its ranks, to the credit of the legal profession, nine-tenths of the lawyers, year after year, had endeavored to convert the people to sound views and had stubbornly opposed the dangerous legislation which was bringing ruin upon the entire state. From the Big Sandy on the east to Mills' Point on the Mississippi the whole state was in turmoil, and the incidents of the Bryan campaign of 1896, the interruption of sound-money Democratic speakers by shouts for Bryan, and the egging of the secretary of the treasury, were trivial and insignificant compared with the disorder and lawlessness which then prevailed. The condition of affairs had become so intolerable that persons began to leave the state in large numbers and seek homes elsewhere, despairing of change for the better in Kentucky.

In 1822 Judge Clark, of the Bourbon circuit court, rendered a decision which intensified the bitterness between the two parties, then known by the names of "Relief" and "Anti-Relief," and introduced a new phase into the controversy, in the discussion of which the old causes of difference were almost lost sight of. Williams had sued Blair and others upon an obligation given when the limit of the stay upon judgments and executions was one year. When judgment was obtained the two-year stay law had taken effect, and Blair and his co-defendants entered into a recognizance in the clerk's office for the payment of the judgment in two years. Upon the motion of Williams this recognizance was quashed by Judge Clark on the ground that the law under which it was taken was repugnant both to the constitution of the United States and that of Kentucky, in that it impaired the obligation of a contract. Thereupon the defendants appealed the case to the court of appeals.

The tenure of office of judges in Kentucky, at that time, both of the court of appeals and of inferior courts, was during

their good behavior, and they could be removed only by impeachment or by the governor on the address of two-thirds of each house of the general assembly for any reasonable cause which was not sufficient ground of impeachment. An effort was made in the legislature to address Judge Clark out of office, the sole ground being the opinion rendered by him in the case of Williams versus Blair, but failed in the house of representatives, where it received less than two-thirds of the members of that house, although the vote stood fifty-nine to thirty-five in favor of the resolution of address.

October 8, 1823, the court of appeals, which was composed of John Boyle, chief justice, and William Owsley and Benjamin Mills, associate justices, unterrified by the clamor against Judge Clark, determined the appeal which Blair had prosecuted to that court and affirmed the judgment of the Bourbon circuit court. Thenceforward the contest was between the advocates of constitutional government on the one side and of a democracy limited only by its own will upon the other side.

The view of the legislative majority may be best exhibited by an extract from one of the resolutions passed by the general assembly condemning the decision of the court of appeals:

"A check or control of legislation from any other quarter or of any other kind than the will of the majority of the voters, is neither more nor less than tyranny. Any people which imposes a restraint upon legislative power uselessly diminishes its liberty. The constitution is the political textbook of freedom which citizens have the right to expound as the believers of any denomination may the articles of their religious faith. The people made the constitution and employed the judges to expound it according to their, the people's, understanding of its import, according to their political faith. When the judges expound it according to the principles of their faith, shall the people surrender their faith, or, as the religious associations do with their pastors, remove the judges? The constitution is the people's, and when they cease to understand it, it ceases to be theirs. The general opinion of the import of the constitution is necessarily and alone the constitution. Judges are trustees, and when they lose the confidence of the *cestui-que trust* they should resign the trust. Public opinion is a tribunal of unlimited jurisdiction and correspondent power. It is the tribunal which awarded epic pre-eminence to Homer, dramatic supremacy to Shakespeare and immortality to Washington."

Another resolution of the general assembly (passed December 29, 1823), censuring the court of appeals, sets forth the argument which the majority of the legislative body believed to justify their action in passing relief laws.

The following extract from it is, in tone, similar to some of the populistic literature of the present time:

"A frost visits the cane of Louisiana; the weevil, the fly or the rust invades and desolates the wheat crops of Ohio; the rot or frost destroys the cotton crops in Mississippi; the worm destroys the tobacco of Virginia, and the army worm marches across the plains of Kentucky and desolates its fields and its meadows. The existing remedial systems of the several states were enacted in auspicious times and suited to their prosperous condition.

"What is to be done? Shall a single

unseasonable frost subject the sugar plantation of Louisiana to instant sale under the hammer and their proprietors to ruin? Is there no remedial process in that state to avert so great a calamity? Is the sovereign remedial power of Virginia to be vanquished by the tobacco worm? Can the army worm conquer the state of Kentucky and disarm it of its remedial energies, and must the legislative remedial power of the great state of Ohio yield to the force of the feeblest and most contemptible insect tribes? And must the good people of these states be told that there exists no power in their government to soften the rigor of these visitations, which if they cannot be softened by remedial enactments must eventuate in the ruin of the great body of the population of these states, in the alienation of their affection from the government, by the sternness of whose indifference to their calamities they will suppose themselves to have been destroyed?

"They will have been made from good citizens into adventurers ready to flock to the standard of experiment or revolt. They may gain, they cannot lose. They have lost their homes, their firesides and their altars, with which their patriotism was identified. They had a government, they had a country; they have now neither!"

The same resolution charges the decision of the court of appeals to be in the interest of the United States Bank, whose motto, it says is, "Pay me that thou owest me," and, "which is formed to prosper only by the metallic punctuality which it enforces with merciless rigor."

The effort in the state election of 1824 was to elect a governor and a legislature who would act together in such measures as might be necessary to remove the judges of the court of appeals. Joseph Desha, the Relief candidate for governor, was elected and a majority of the members of the legislature of the same party was secured, but not two-thirds. It was impossible therefore to remove the judges by impeachment or address, and other means had to be resorted to in order to accomplish that end. The majority in the legislature, claiming that the repeal of the federal judiciary act, at the beginning of Jefferson's administration, was a precedent for what they proposed to do, passed an act repealing all the laws under which the court of appeals was organized and creating a new court under the same name and with the same jurisdiction, to be composed of a chief justice and three associate justices.

Governor Desha, a few days later, nominated, and the senate confirmed, William T. Barry as chief justice, and James Haggin, John Trimble and B. W. Patton, as associate justices of the new court, the last mentioned of whom died a few days after his appointment, and was succeeded by Rezin H. Davidge.

Francis P. Blair was appointed clerk of the new court; an attachment was issued against Achilles Sneed, clerk of the old court, for the papers and records of that court, which he refused to deliver, whereupon the officers of the new court broke into his office and carried them away and the new court fined Sneed ten pounds for not complying with the attachment.

Boyle, Mills and Owsley, the judges of the old court, were undaunted by this action on the part of the governor and legislature. They met at the usual time in January, 1825, issued a dignified and well-tempered address to the people of Kentucky, in which they pointed out clearly the dangerous, revolutionary and unconstitutional

character of the reorganizing act, and continued to discharge in the usual way their duties as judges of the court of appeals. Thereafter for two years the old court of appeals and the new court of appeals sat in the same town deciding causes, with this difference, that most of the lawyers of the state carried their appeals to the old court, the judges of which could draw no salaries, while judges of the new court of appeals drew salaries and had little to do.

To-day a volume of one hundred and fifty-two pages, containing one hundred and sixty-one decisions, which are never cited, which are not regarded as authority for any legal proposition under the sun, because the work of an unconstitutional court, represents all that remains of the new court of appeals, while Boyle, Mills and Owsley live, and will continue to live, not only in their opinions, which are still the law of the land, but in the reputation they made for themselves as just, upright, learned and fearless lawyers and judges.

Out in the state, away from the quiet court-room in which the old-court judges performed their duties, undisturbed by the tempest which raged around them, the two years that followed the passage of the reorganizing act were years of confusion and excitement. Meetings were held at every county seat, either denouncing or approving of the reorganizing act. Grand juries in some of the counties presented indictments against members of the legislature who had voted in favor of the act. The poor debtor, who had been the cause of all these woes, was lost sight of altogether. The question was a constitutional one, and everybody felt competent to discuss it, and did discuss it.

It soon became apparent to the Relief party, which was now called the New Court party, that it had gone too far, and this fact was demonstrated at the election in August, 1825, when the Old Court party won a majority in the lower house, electing sixty-five of the one hundred members. The senate, three-fourths of the members of which held over, still had a majority of the New Court party.

The message which Governor Desha sent to the legislature, when it met in November, 1825, indicated clearly that he regarded it as necessary to do something to retrieve the fortunes of the New Court party and to change somewhat the issues upon which the late state campaign had been fought. He suggested that the legislature should abolish both the courts of appeal and establish a new one, in which case he promised to select the judges equally from the two existing courts. He denounced all banks, particularly the Bank of the United States, as hostile to the power and rights of the states. He said that the federal supreme court had become the protector of the Bank of the United States, and tha these allied powers had overthrown the sovereignty of the state of Kentucky. He found fault with the state court of appeals for receding from its opinion that the state law taxing the Bank of the United States was constitutional in deference to the decision of the supreme court of the United States. He congratulated the legislature upon the abolition of the old court of appeals and assured it that the new court would maintain the sovereignty of the state. He censured the federal courts for refusing to recognize the state relief laws in writs issued by them, and he regarded the state as deprived of self-government by the intrusion of foreign courts bringing with them an independent code of procedure and enabling

foreign creditors to escape the treatment which Kentucky creditors had to submit to under the laws of the state.

After reading the message of Desha, the inclination is to believe the doctrine of metempsychosis to be true and that Desha lives to-day in Altgeld of Illinois!

The campaign of 1826 was more boisterous than any that had preceded it. That there was not civil war in the state was due only to the moderation of the Old Court party. The latter party presented its strongest men as candidates for the legislature, prominent among whom were George Roberston, afterward for many years a judge of the court of appeals, whose reputation as a jurist is not confined to the United States; Robert J. Breckinridge, then a lawyer, but whose subsequent distinction as a preacher and theologian has overshadowed his reputation as a lawyer and politician; James Harlan, father of Justice Harlan, of the United States Supreme Court; John L. Helm, subsequently governor of the state; Thomas W. Nelson, father of General William Nelson; Daniel Breck; Squire Turner; Robert Wickliffe and others of equal ability. The tragic death of Colonel Solomon P. Sharp in the fall of 1825 upon the eve of the assembling of the legislature had weakened materially the New Court party, of which he was a popular and prominent member. Sharp had been attorney general of the state but resigned to become a candidate for the lower house of the legislature of 1825, of which he would have been elected the speaker but for his untimely death.

As a result of the campaign of 1826 the Old Court party carried both houses of the legislature, and the agony of eleven years of populistic rule in Kentucky was over at last. For that length of time had a large majority of the people of Kentucky been deceived and misled.

An act was passed December 30, 1826, over the veto of Governor Desha, repealing and declaring to be null and void the act reorganizing the court of appeals, re-enacting every law which had been repealed or intended to be repealed by the reorganizing act, and recognizing Boyle, Mills and Owsley as judges of the court of appeals. Two days later Blair, the clerk of the new court, in response to the order of the old court of appeals, delivered to their clerk the books, records and papers which he had forcibly taken possession of two years before. Desha remained in office two years longer and used his power as governor, as far as it was possible to do so, to prevent the full enjoyment by the Old Court party of the victory which it had won.

Boyle continued to sit upon the bench of the old court of appeals until its authority was again recognized by the legislative department of the state government, when he resigned to accept the position of United States district judge for the state of Kentucky. Thereupon Desha appointed George M. Bibb, one of the ablest lawyers in the New Court party, his successor, an appointment which was confirmed by the senate.

In 1828 Thomas Metcalfe, the Old Court, or, as the party was now styled, National Republican candidate, was elected governor of the state over the Democratic Republican candidate, Barry, the late chief justice of the new court of appeals, by a small majority. Metcalfe's success was due largely to his personal popularity, and the opposition carried their lieutenant governor and a majority of the legislature.

Owsley and Mills continued to sit on the

appellate bench until the fall of 1828, when they resigned. They were renominated by Governor Metcalfe, but rejected by a Relief senate, and George Robertson and Joseph R. Underwood, both members of the Old Court party, were appointed to succeed them. Bibb then resigned and was soon afterward elected United States senator.

The vacancy caused by the resignation of Bibb was not filled until the latter part of the year 1829, when George Robertson was appointed chief justice of the court of appeals, and Richard A. Buckner, his successor, as judge of that court. The appointment of Robertson as chief justice may be said to mark the close of the controversy between the Old Court and the New Court parties and to have completed the triumph of constitutional government in Kentucky. For fourteen years Robertson sat upon the bench of the court of appeals as its chief justice, adorning it by his learning and power of logical analysis, and giving form and consistency to the statute law of the state. Elected to the court of appeals again in the year 1864, at a critical period in the history of the state, when he had attained the ripe age of seventy-five years, it was his rare good fortune, as a member of that court, to have to defend again the principles for which he had battled vigorously in his youth.

In the case of Griswold versus Hepburn, decided June 17, 1865, he held, in an opinion remarkable for its clear statement of propositions of constitutional law, that "so much of the congressional statute of February 25, 1862, as declares United States treasury notes to be money and a legal tender in payment of debt on a private contract, is clearly unconstitutional." If his decision had been followed by the supreme court of the United States the deranged financial condition of the country would not exist to-day, nor would a large portion of the people entertain erroneous notions as to what constitutes money.

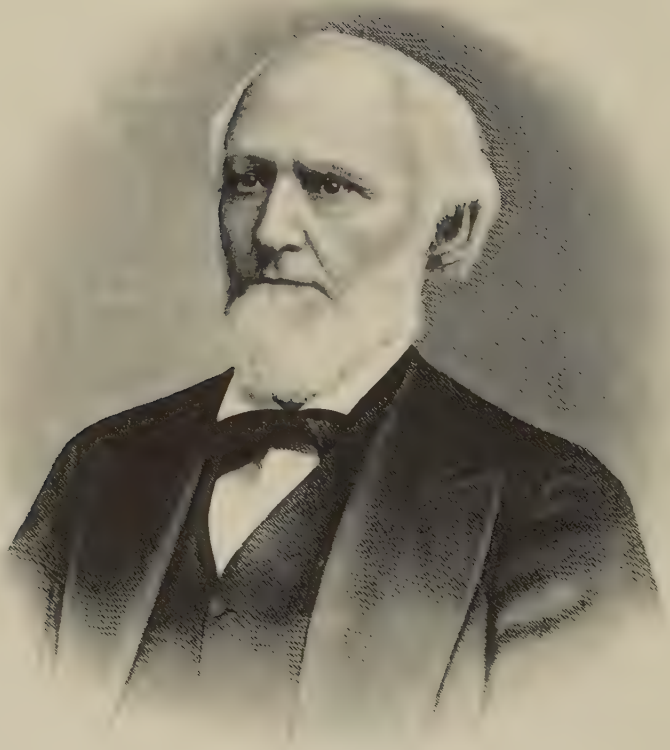
The leaders of the New Court party having lost their hold upon the state of Kentucky, supported earnestly the candidacy of General Jackson for the presidency and for a time were as influential in national as they had been in state affairs. It would be interesting, if it were possible in an article of this character, to follow their career and to point out the effect which the controversy in Kentucky and the animosities then engendered had upon subsequent events of national importance. Two of the most active members of the New Court party in Kentucky were Francis P. Blair and Amos Kendall. Blair had been the clerk of the new court of appeals and president of the Bank of the Commonwealth. Kendall was born in Massachusetts, had moved to Kentucky in 1814, and finally settled in Frankfort, where he became the editor of the Argus, a newspaper that championed warmly the cause of the New Court party. He was also one of the directors of the Bank of the Commonwealth. Like most of the members of the party to which they belonged, both were largely in debt. Blair went to Washington, became the editor of the Globe, the organ of the administration and the mouthpiece of Jackson, and for many years was one of the oracles of the Democratic party. Kendall became fourth auditor of the treasury under Jackson and afterward postmaster general.

It was, however, as members of Jackson's "kitchen" cabinet, in connection with W. B. Lewis, of Tennessee, and Isaac Hill, of New Hampshire, that Blair and Kendall achieved their greatest distinction. Both

were shrewd, adroit and able politicians. They played upon Jackson's prejudices, molded his opinions without his knowledge and used him to accomplish their own objects.

The hostility which, as members of the New Court party in Kentucky, they had entertained toward the Bank of the United States, they carried with them to Washington, where they omitted no opportunity to prejudice the president and mold public opinion against the bank. Kendall was authorized by the president to visit the state banks, ascertain the opinions of their officers as to the propriety of the removal of the public deposits from the United States Bank and select the state banks that would act as depositories of the public funds. At last he and Blair had the gratification of triumphing over their old enemy.

The struggle in Kentucky between the Old Court and the New Court party, disastrous as it was during its continuance, was not without its beneficial effects. The banks of Kentucky that were organized after that period were founded upon sound principles, were well managed and passed safely through many financial storms. But, far better than any pecuniary benefits, the struggle itself had a formative influence upon the character of the people of the state.



G. W. Williams

DAVIESS COUNTY BAR.

GEORGE W. WILLIAMS, of Owensboro, for many years a leading member of the bar, was a native of Breckinridge county, Kentucky, born November 7, 1814. Early in the century his parents, Otho and Mildred Anderson Williams, came over the mountains with the tide of emigration flowing from Virginia to the new state in the valley. Here were born their five sons: Nathan A., James R., William A., Hugh T. and George W.

On his father's farm, without incident of note, the youngest son, just mentioned, grew and acquired habits of diligence and industry that lasted through life. He had reached manhood before acquiring the rudiments of an English education, but after attending the local schools for not more than nine months, he was enabled by the generous aid of two brothers to enter the select school taught by Cissell and Hanover, at Louisville. Here he remained sufficiently long to make an important beginning in supplying his educational deficiencies. Judge Williams' schooling at Louisville was too brief, however, to be thorough, yet he had caught glimpses of distant fields of learning and grown athirst for the waters flowing there,—a thirst which started a pursuit that ended in possession. In 1837 Mr. Williams removed to Helena, Arkansas, and taught school there the following year. Failing health brought him back to Louisville, where he entered the law office of Thompson & Boone as a student. He delighted in after years to recount the profit derived from some of his associations at this period. John Rowan, one of the ablest lawyers at the Kentucky bar, who had been an appellate judge and United States senator, then residing at Louisville, was fond of entertaining the eager groups that gathered to hear his ornate and instructive conversation. Rowan was an encyclopedia of law and literature and on familiar footing with most of the distinguished men of the country. Young Williams lost no opportunity of drinking at this Nestorian fountain. At this period also he heard Mr. Webster, then in the full vigor of his great faculties, deliver a political address. "At first," said Judge Williams, referring to this, "he reminded me in appearance of a farmer. He began his speech with a slowness and deliberation that promised little. In fact I was sorely disappointed in my expectations. How long I was in this state of mind I cannot conjecture, for before I fairly realized the transformation he seemed to suddenly grow colossal in stature. He had shaken off the lethargy of his outset and his eyes gleamed and his face shown with an intellectual fire no words ean describe. Indeed he was the 'God-like Daniel.'"

Having been admitted to the bar Judge Williams located at Hawesville in 1840, near his birthplace, and began a career of professional success that knew no intermission. His practice was not confined to

Hancock county, but, as the custom then was, he rode the circuit, practicing in all the neighboring counties. He continued at Hawesville until 1870, when he removed to Owensboro, residing there until the close of his life. He was employed in many important cases, and was especially successful in chancery practice. He was a constant practitioner in the court of appeals and in the federal courts in Louisville. While in Hancock county he had a large and valuable farm near town, on which he resided, and in the care and cultivation of which he took great interest and pride.

In 1850 he was chosen representative to the state legislature by Ohio and Hancock counties. He was district elector on the Buchanan ticket in 1856, and in the year following he was defeated for the state senate by the candidate of the American party, then in the zenith of its short-lived career.

Judge Williams was an adherent of the Whig party, but on the disintegration of that organization, in 1855, he united with the Democracy, and ever afterward followed its fortunes. During the civil war of 1861–1865 his sympathies were with the south, and he did not disguise the fact; but when the war ended no one accepted the results more heartily. Leaving the dead past to bury its dead, he turned his face hopefully to the future.

In 1867 he was elected circuit judge to fill the vacancy caused by the resignation of Hon. James Stuart, and in the year following he was chosen for the full term of six years.

The fascination of the bar, however, was so great that in 1870 Judge Williams resigned his office and resumed his law practice. In 1878 he was a short while an aspirant to the judgeship of the court of appeals, but withdrew before the election. He sought the nomination of his party in 1882 as judge of the superior court. He had several strong competitors, but his friends were nevertheless sanguine of his success. His defeat was attributed to combinations of the weak against the strong. He contested for a seat as a delegate to the constitutional convention of 1890. His eminent fitness for the important duties of the position, his attainments as a constitutional lawyer, his sympathy for all needed reforms, his ripe experience, his unabated vigor and the conservative influence he could have wielded for good in such a body seemed to indicate him as the man for the place. But in that year a new party, committed to Utopian schemes, put forth candidates with an antipathy to the ordinary processes of reasoning. The people demanded the impossible, and the new leaders unhesitatingly promised its accomplishment. In such a contest one of Judge Williams' candor and honesty was at a disadvantage, and he was defeated—a result most unfortunate for the state.

He possessed marked characteristics. He was a studious man and eminently a thinker. A proposition in law, politics or morals he subjected to such analysis as gave him the clearest perception of it. He weighed the reasons for and against and was accurate in his conclusions. His intellectual processes were deliberate, but exceedingly thorough. He was ever careful of details. He overlooked neither the weakness of his case nor the strength of his adversary. His mind was of a philosophic cast and scorned to belittle truth or magnify the virtues of error.

As a lawyer he was learned, diligent, painstaking and indefatigable. He omitted

nothing that preparation could supply or foresight anticipate. He was cool, self-reliant, courageous and aggressive. When his case was reached for trial, he was always ready. His view of the case was strongly presented and the weakness of his adversary as clearly exhibited. He practiced his case "from start to finish," and always insisted on drawing the final order. He delighted in his profession. While very quiet and complacent and free from exultation, he gloried in victory in a hard-fought case. When not detained in the court-room by engagements he sought his office and found recreation in unremitting labors there.

As a judge he was firm, clear-sighted and rapid in dispatch of business. While no one as a practitioner could find more technicalities, if need be, yet as a judge in his short service he disregarded any technicality which delayed or obstructed what he believed was justice. His varied and accurate learning and skilled lawyership gave assurance that had he continued upon the bench his reputation as judge would have been not less exalted than his fame as a practitioner. As a speaker he was deliberate, clear and forcible, but not declamatory. He resorted to no art to cajole his hearers, his sole aim being to present the facts of his case with his comment and arguments. As a writer his style was clear, forcible and polished. His written briefs were models of pure English.

At times he became profoundly preoccupied, and on the streets would scarcely recognize his best friends; but when, as he often did, he threw aside professional cares, no one could be more congenial or companionable. In the social circle he was a good talker and a courteous listener. While enjoying humor himself, he indulged but little in wit, yet abounded in incident and anecdote. He enjoyed discussions, but never harangued. He was warmly attached to his friends, and was generous to the limits of imprudence. For his enemies—from his own lips no one would have supposed he had any—there was infinite charity in his speech and in his manner.

In the domestic circle he found his chief delight. The reverence and love he received there were returned in rich dividends of affection. Kind, patient, amiable and entertaining, around him all hearts revolved. Making little pretense to outward religious observance, his reverence for and confidence in his wife's Christian piety was born in saving grace. He died in great peace, September 29, 1890.

In 1841 Judge Williams was happily married to Mary W., daughter of Andrew Hamilton, a farmer of Hancock county. Mrs. Williams were a native of Franklin county, Kentucky, and still survives in the enjoyment of a ripe old age. Of the marriage five children were born,—three sons and two daughters: Hamilton, Ione, James Russell, Mary Ruth and Hugh A. Hamilton, the eldest son, married Nannie, daughter of the late Major W. F. Hawes, who died early, leaving an only child surviving,—Miss Shing Williams, of St. Louis. James Russell died in early manhood, before the father, after giving promise of business qualities of a high order. Ione is the wife of Judge W. P. Baker, of Owensboro. Mary Ruth is the wife of William Crutcher, of Beaver City, Nebraska. Hugh A. Williams, after attending the public schools in Owensboro, studied law in his father's office and was admitted to the bar in 1881. He was for a number of years his father's law partner.

In personal appearance few were more prepossessing than Judge Williams. Full six feet in height, broad-shouldered, erect as a soldier, a massive head, regular but strongly marked features, a bright, clear complexion; a dark, flashing eye and flowing white locks made a picture no one could look on and forget. Dignified and gracious in his bearing, his character was idealized by his presence; a great lawyer, an upright judge, a devoted patriot and a just man,—

"He was a man, take him for all in all;
I shall not look upon his like again."

LUCIUS POWHATTAN LITTLE, of Owensboro, who for many years has been an honored and prominent representative of the bench and bar of Kentucky, was born in Daviess county, Kentucky, February 15, 1836, and is connected with one of its pioneer families. His great-grandfather, George Little, was a native of Scotland, where he grew to manhood and married. Seeking greater religious freedom, he was one of a colony of his countrymen that emigrated to South Carolina anterior to the Revolutionary war. Though opposed to that war, when it began he joined the American army and served until disabled by wounds in battle. In 1802 he came to Kentucky and settled in the vicinity of Fort Vienna, where he resided until his death in 1815.

Jonas Little, a son of George, married Betsy Douglass, and the second son of this marriage was named Douglass. Jonas Little was yet a young man when he accompanied his father to Kentucky. Locating in the same neighborhood he engaged in agricultural pursuits, and reared a numerous family. Like his father, he was of great personal piety, and was not a little disturbed by the religious controversies of the time. He was of high integrity, of strong native good sense, familiar with Josephus and King James' version of the sacred scriptures; a clear thinker and a fluent, forcible and attractive talker. He led a blameless life, and died in 1850, having attained threescore years and ten. His wife, Betsy, survived until beyond eighty, dying during the height of the civil war.

Douglass Little, father of our subject, in early life engaged in farming and carried on the business of manufacturing wagons and plows. He filled various official positions, beginning as a constable, was justice of the peace for eight years, and for three terms of four years each served as judge of McLean county, proving himself in all positions a most capable and faithful officer. He died during his incumbency in the last office, in the year 1877, when sixty-eight years of age. Several years before his death he had been admitted to the bar and occasionally practiced in the courts. He was honored and revered throughout the community as an upright man and just judge, his personal popularity was great, and his name inseparably connected with the history of his county. He married Martha Wright, a native of Charlotte county, Virginia, who came to Kentucky in 1820, and is still living.

Judge Lucius P. Little, whose name introduces this review, is indebted to the public schools of Calhoon for his educational privileges. He took no college course and obtained only a limited knowledge of Latin at school, but early acquired a taste for substantial literature which largely recompensed for his limited scholastic training. He has truly earned the proud American title of self-made man, and his prominence to-day

as a member of the legal profession is due entirely to his own efforts and merit.

He entered the office of the clerk of the circuit court and for three years served as deputy in Daviess and McLean counties. During this time he studied law, and on the expiration of three years he entered the law department of Cumberland University, of Lebanon, Tennessee, where he was graduated in June, 1857, with the degree of Bachelor of Laws. Admitted to the bar in Calhoon, he there engaged in the practice of his profession until 1860. In that year he received the appointment of deputy United States marshal and as such took the census of the county. At the close of the year he removed to Louisville, where he remained one year. He afterward spent a year in California, and in the fall of 1862 returned to Calhoon, Kentucky, and acted as recruiting captain for Adam Johnson's regiment of John H. Morgan's command, C. S. A. While thus engaged he was captured, together with several of his men, and taken to Bowling Green, where he was tried for the offense of recruiting inside of the government lines, the penalty for which, under General Burbridge's order, was death. Through the intercession of friends he escaped the punishment and was released under bond, after which he did not again enter the Confederate service.

During the war Mr. Little went to Texas on legal business, making a long trip by way of New York and Havana in order to reach his destination. In the fall of 1864 he resumed the practice of law in Calhoon, where he remained until February, 1868, when he removed to Owensboro, where he has since resided. In 1874 he was a candidate for the office of circuit judge, but was defeated, there being three candidates in the field. In 1880 he was the nominee of the Democratic party and was elected to that office, and in 1886 was again chosen for that position, being re-elected without opposition. His time expiring in 1893, he declined a further nomination and returned to the practice. Before his election to the bench he had secured a very large and valuable clientage, and when he once more opened his office he was not long in securing a lucrative practice. He has been connected with some of the most important litigation in the courts of his district. His taste, however, is for civil rather than criminal practice.

On the 16th of April, 1868, Judge Little married Miss Lizzie E. Freeman, of Woodford county, who died in March, 1873. He afterward married Louise A. Holloway, of Henderson county, the wedding being celebrated October 5, 1875. This happy union was terminated by the untimely death of the wife, March 4, 1887. On the 15th of January, 1889, the Judge married Miss Fanny Beach, of Maryland. His children are L. Freeman, Lizzie E., Laura S., William, Martha B., Frances W., Catherine D. and Stanhope.

Judge Little is a prominent member of the Methodist Episcopal church, south, and for some years has served as its trustee. In 1894 he was sent as a delegate from the Louisville conference to the general conference at Memphis, Tennessee. He is an active Freemason, and is past eminent commander of the Knights Templar, and is one of the leading members of the Investigation Club, a prominent literary society of Owensboro, and also of the Filson Club, of Louisville. He did the chief editorial labor for the Owensboro Examiner from 1876 to 1879, and is the author of a work entitled

"Ben Hardin, His Times and Contemporaries," which he wrote between the years 1884 and 1887, and which is an important contribution to the historic literature of the state. He has hitherto borne an active part in politics, taking the "stump" for his party when occasion demanded. His writings on the subjects and issues of the day are clear, concise and masterful, and he has delivered many interesting and instructive lectures on literary topics. A scholarly, courteous gentleman, Judge Little is one of the prominent lawyers of the state and a leading citizen of Owensboro.

Lucius Freeman Little, the Judge's eldest son, was born on the 29th of January, 1869, and acquired his early education in the local schools. He afterward took a three-years' special course in Princeton University, and studied law under the supervision of his father. He was admitted to practice in December, 1892, at Owensboro, and has since been associated with his father in the prosecution of his chosen profession.

REUBEN ANDERSON MILLER, of Owensboro, was born in Ohio county, Kentucky, November 6, 1857, and is descended from James Miller, who came to this state from Virginia, where his ancestry had located in early colonial days. He was one of Kentucky's pioneers, locating in Shelby county in 1790. There the father of our subject, Reuben Anderson Miller, Sr., was born and reared. He followed farming and married Miss Martha Ford, a native of the same county and a daughter of John Ford, of South Carolina, whose father, of Irish parentage, had settled in that state before the Revolution and aided in securing the independence of this nation.

Mr. Miller, Owensboro's well known and eminent legal practitioner, was educated in the common schools of Ohio county and in Ford Seminary, in charge of Professor John Clark, a man of extensive learning and wonderfully endowed by nature with superior talents as an instructor. At an early age Mr. Miller determined to devote his life to that profession in which so many of Kentucky's sons achieved leadership and renown as able lawyers of the country. While pursuing his legal studies he also taught school for two years, 1877 and 1878, in Hancock county, Kentucky. He secured his license to practice at Hawesville, Hancock county, in the latter year, and began his professional career at that place, where he remained until 1888. During that period he was elected to the office of county attorney, but resigned after a service of one year to follow his private practice, which he found more lucrative and which furnished wider scope for the exercise of his powers.

Early in 1888 Mr. Miller removed to Owensboro. In the spring of that year he was appointed by Governor S. B. Buckner to the position of "special auditor," empowered to make examinations and report upon the management and financial conditions of the eleemosynary institutions of the state. His report attracted widespread attention by reason of its exposure of the mismanagement of public institutions and the misuse and loss of public funds, abuses having been perpetrated in the absence of proper state supervision. The report led to the establishment of the office of state inspector and examiner, by act of the legislature, and he became the first incumbent of this office, being appointed by the governor and confirmed by the senate. The duties of the

new office include the auditing of all the state's accounts with the state treasurer, state auditor and the various institutions receiving and disbursing state funds. After holding the position for about eighteen months Mr. Miller resigned, for the duties took him away from home and were too onerous for the compensation attached.

After resigning the office Mr. Miller returned to Owensboro and entered upon the practice of his profession, devoting his entire time and attention to it. Although he is known as a general practitioner, his business has been largely in the line of corporation law, representing various business firms. He is local attorney for the Louisville & Nashville Railroad Company, the Louisville, Henderson & St. Louis Railway Company, the Owensboro City Railway Company and the Henderson Street Railway Company, and is also attorney for other important interests. He has in his practice appeared in many important causes in the federal as well as in the state courts.

On the 30th of November, 1880, he was married to Miss Margaret L. Morehead, of Hancock county, Kentucky, daughter of Colonel Joseph C. Morehead, of the Confederate army, who was wounded, captured and confined at Johnson's island. Later he was exchanged and died in the service in Jackson, Mississippi, in 1864, leaving his daughter, then a little maiden of four summers, to the care of the soldiers of his regiment. Her grandfather was Hon. James T. Morehead, a lawyer of note, who represented Kentucky in the United States senate from 1841 to 1847. Her father was also a lawyer of superior ability and prominence when the war called him from the peaceful pursuit of the profession to active service in the field, where he distinguished himself by his bravery and devotion to the cause he had espoused and to which he sacrificed his life. Mrs. Miller was left an orphan at the age of four, her mother having died previous to the death of her father, and for a time she was the "child of the regiment" which Colonel Morehead had commanded. She was subsequently cared for by a friend of her father, Dr. Scott, who was enabled at a later period to consign her to the protecting care of Major-General S. B. Buckner, who adopted and reared her as his own daughter, and in return has received from her the loving devotion and loyalty of an own child. Mr. and Mrs. Miller have four children,—Eugene Buckner, Lucile Anderson, Reuben A. and Wilbur Kingsbury.

Mr. Miller is not a member of any fraternal society, and while a believer in Christianity is not connected with any particular church. He devotes himself to his professional duties and to his family. In politics he is a Democrat, active in the interests of his party without being an office-seeker. He has been a delegate to many state conventions and nominated John Young Brown for governor of Kentucky in the convention of 1890. He was also a delegate to the national Democratic convention in Chicago in 1892, which nominated Grover Cleveland for the presidency.

Mr. Miller is a scholarly man, of wide information and an extensive reader of general literature. He is an eloquent speaker, graceful in his delivery and as a lawyer stands high in his profession. He has great personal magnetism before a jury and is forceful and convincing in his arguments. Of a kindly nature, courteous and genial, he has many friends both within and without the ranks of the legal fraternity.

JOHN DORSEY ATCHISON, of Owensboro, was born December 31, 1852, in Daviess county, Kentucky. He is descended from Scotch-Irish ancestry. The earliest date of the family's connection with America is 1790, at which time Amos Atchison crossed the Atlantic and took up his residence in Virginia. His son, George Atchison, came to Kentucky with his family about 1815, and located in Henry county, whence he afterward removed to Daviess county in 1830. Among the representatives of the family who have been distinguished members of the bar, or have been connected with the legislation, state or national, are Judge Marcus Atchison, of the United States circuit court in the third judicial circuit of Pennsylvania ; Judge J. D. Atchison, of the circuit bench of the Chesapeake bay district in Virginia ; and Hon. David R. Atchison, who was United States senator from Missouri from 1845-1855, and president *pro tem.* of the senate and acting vice-president of the United States. The city of Atchison, Kansas, was also named for a member of the family prominent in the settlement of the state.

The father of Judge Atchison of this review was Austin Atchison, a farmer, devoting his life to the quiet pursuit of agriculture. He married Lucy Moseley, daughter of John Moseley, also a farmer and a native of Daviess county, Kentucky. He belonged to an early pioneer family of western Kentucky, one member of which was commissioned to plan and lay out Owensboro in 1815.

The mother of Judge Atchison died while he was very young, and at the time of the war his father's farm was devastated and the slaves freed, thus leaving the family impoverished. The Judge worked hard on the farm until seventeen years of age, and, owing to defective vision, he was unable to read or learn the alphabet until ten years of age, when he was supplied with glasses that remedied the defect of his sight. He had, however, memorized lessons by learning what he heard others read and recite. At the age of ten he began to read and study assiduously, eagerly poring over every book that came within his reach. A school known as the Oakland Seminary was established in close proximity to his home and for four years he enjoyed the counsel, aid and instruction of Prof. Wayland Alexander, the principal, who directed his reading and study and assisted him in the elucidation of the sciences. In 1873 Prof. Alexander organized the West Kentucky College, at South Carrollton, and Mr. Atchison accompanied him to that place, assisting him in the conduct of his classes and at the same time further pursuing his own education, remaining in that college until 1876, and being second principal in the college for the last two years.

Mr. Atchison had early determined on making the practice of law his life work, and with that end in view he entered the office of Hon. W. N. Sweeney, of Owensboro, and in 1877, after a year's study, was admitted to the bar, but continued a student in Judge Sweeney's office until 1880, when he began to practice on his own account, forming a partnership with Judge James Stuart. That connection was continued for three years. Judge Atchison was elected school commissioner of Daviess county, holding the office from 1877 to 1882. During that time he organized the colored school district and established schools for the education of the colored children.

He also urged the building of better schoolhouses with such energy and success that one-half of the district rebuilt during his supervision of the school interests, and the cause of education was raised to a high elevation never before dreamed of in the history of the county. In 1883 he was elected by the court of claims to the office of county judge to fill a vacancy, and in 1884 was the nominee of the Democratic party for the same office to fill the unexpired term, and was elected. He was afterward re-elected by the popular vote for a full term of four years, in 1886, and on the expiration of that period he declined a renomination. His administration of the affairs of the county wrought a revolution of methods and was a revelation to the people. He looked over the field and studied it closely and systematically, and produced many needed changes which have resulted very beneficially. From a debased county warrant sold at forty cents on the dollar, the credit of the county was not only restored, but at the end of his term there was a balance of $25,000 in the treasury. He converted the court-house square from a stable yard—for such it had practically been—into a beautiful park and removed the unsightly and insecure jail to a more secluded spot and erected a new jail building that compares favorably with any in the land for sanitation and security. In the administration of the county affairs he also adjusted the floating debt, and by his personal effort at Frankfort secured special legislation to levy a tax to pay the same. He was also employed as special attorney by the county to adjust the railroad debt and saved the county nearly $100,000 in principal and interest by establishing the fact of an over-issue of bonds. He appeared in this case in the supreme court of the United States, where he was duly enrolled in 1886.

Leaving the bench of the county court for the broader and more lucrative field of active practice, Judge Atchison became associated with J. D. Powers and R. A. Miller, under the firm name of Powers, Atchison & Miller. In 1892 the last named withdrew from the firm, which continues as Powers & Atchison. The Judge has been interested actively in almost every important litigation in Daviess county for the past fifteen years. He was active in the prosecution of the Muhlenberg county bond cases, involving about eight hundred thousand dollars, has defended in a number of criminal cases of celebrity, including the trial of Deputy Sheriff Pierce for the killing of Kindall, which attracted widespread attention. His practice, however, is more in the line of equity cases and corporation law. His firm is employed as counsel for a number of corporations and has represented in a number of cases the following: Bank of Commerce, First National Bank, Central Trust Company, American Tobacco Company, Owensboro Wheel Company, Owensboro Wagon Company, Owensboro Wharf Boat Company, the Mutual Life Insurance Company of Kentucky, the Columbia Finance & Trust Company of Louisville, and the Fidelity Trust & Safety Vault Company. Mr. Atchison is a director in the Bank of Commerce and in the Central Trust Company.

Personally Judge Atchison is a most agreeable companion, a scholarly man, a ready and pleasing speaker, strong in debate and entertaining in conversation, his talk being enriched with a large fund of anecdote. He is indefatigable in research, accurate and reliable in his interpretation of

law. He has a remarkable memory; is a powerful political orator, logical and convincing; has a vein of humor in all his discourses and a personal magnetism that attracts and holds friendships. He is active in his work for the Democratic party and canvassed the second and third congressional districts in its interest during the campaign of 1892.

On the 14th of May, 1879, Judge Atchison married Miss Blanche Hermon, of Muhlenberg county, Kentucky, and they have four children: Hermon Sweeney, Kenneth Carlisle, Wallace and Ruth. The Judge attends the Methodist Episcopal church, south, of which his wife is a member. He belongs to the Masonic fraternity.

JOSHUA D. POWERS, of Owensboro, was born in Hawesville, Hancock county, Kentucky, on the 17th of October, 1844. At Elliott's Mills, Maryland, the first settlement of the Powers family in America was made. One of the soldiers who had attempted to throw off the yoke of British oppression and free the Emerald Isle from English rule, was obliged to flee from his native land, and established his home in Maryland in 1798. Stephen Powers, father of our subject, was a native of Wilmington, Ohio, and in 1840 removed to Kentucky, where he engaged in merchandising. He married Emily N. Shrader, daughter of James Shrader, of Washington county, Kentucky.

Joshua D. Powers acquired his elementary education in the common schools of Hancock county and supplemented it by a course in Georgetown College, of Georgetown, Kentucky. He was admitted to the bar at Hawesville in 1873, and at once began practice in his native city. The same year he was elected to the general assembly and in its counsels showed that he had given careful study to the subjects for consideration affecting the welfare of the state. In 1877 he removed to Owensboro, where he has since resided. For seven years he was associated in the practice of law with Hon. G. W. Williams. The firm of Powers, Atchison & Miller was then formed, his partners being J. D. Atchison and R. A. Miller. Mr. Miller withdrew, but the relationship between the two other members is still maintained. In June, 1893, Mr. Powers was appointed by President Cleveland collector of internal revenue for the second district of Kentucky, and is still discharging the duties of the office (1897). His practice of law has been of a most important character. His thorough knowledge of the principles of law and his strong and well-balanced analytical mind enable him to grasp the subject at issue with great readiness and discover the remedy.

Mr. Powers was attorney for the Louisville & Nashville railroad, the St. Louis & Texas, special attorney for the Owensboro, Falls of Rough & Green River railroad, and attorney for the Louisville, St. Louis & Texas. He is now attorney for the First National Bank, the Bank of Commerce, Central Trust Company, the Owensboro Building & Loan Association, the Fidelity Trust & Safety Vault Company, Columbia Finance & Trust Company, the Louisville Building & Loan Association, Owensboro Wagon Company, Owensboro Wheel Company, Owensboro Wharf Boat Company, Louisville & Evansville Mail Line Company and the Owensboro Gas Light Company. His aim has ever been to keep his clients out of the courts and to adjust and compromise all claims to the satis-

faction of the litigants on principles of equity and justice. This is a course of procedure which many lawyers, looking only at the question from the side of personal gain, might condemn as unwise, but, though it may lose to Mr. Powers some monetary remuneration, he is rich in the esteem and confidence of those who recognize the high principle which prompts such a course. His probity is above question and he is honored by all. His large clientage has yielded him a good income, which has been further supplemented by other business enterprises with which he is connected. For twelve years he was president of the First National Bank of Owensboro, is president of the Owensboro Wharf Boat Company, president of the Aqua Pura Company, of Las Vegas, New Mexico, which furnishes the water supply to that city and supplies ice to a large territory. He is also a director in a number of other corporations, and was one of the chief promoters and builders of the Louisville, St. Louis & Texas railroad, serving as one of the directors until it went into the hands of a receiver. He is also a director and one of the organizers of the Owensboro Female College.

Mr. Powers is a prominent and faithful member of the Methodist Episcopal church; is a Knight Templar, Mason and past high priest of the Chapter of Kentucky; and past grand chancellor of the Knights of Pythias fraternity of Kentucky. In politics he is a Democrat and takes an active interest in the growth and success of his party. He is decided in his views, enthusiastic in their support and is an important factor in local and state politics. He is a man of great energy and versatility, successful as a financier or lawyer or in control of commercial enterprise; is a man of scholarly attainments, and a brilliant and fluent speaker who has no difficulty in holding the attention of his auditors, no matter what the subject of his discourse.

He was married October 19, 1865, to Clara Hawes, daughter of Hon. Albert Gallatin Hawes, twice congressman from the second district of Kentucky. The city of Hawesville was named in honor of her grandfather, Richard Hawes, one of Kentucky's pioneers, who was of English ancestry and belonged to one of the oldest and most aristocratic families of Virginia. Mr. and Mrs. Powers have nine children now living: Stephen, who has charge of the water works in Las Vegas, New Mexico; Albert D., cashier in the office of the collector of internal revenue in Owensboro; Robert B., who is now a student in West Point Military Academy; Jessie C., Joshua D., Jay C., John H., Emily H. and Thomas McCreary.

JAMES WEIR, of Owensboro, was born in Greenville, Kentucky, June 16, 1821, and is to-day, according to the opinion of his fellow townsmen, the leading citizen of Owensboro, with the interests of which he has been prominently identified for more than half a century. As lawyer, author and banker he is known throughout the state, and the family name which he bears is one that has been identified with the history of Kentucky for one hundred years.

The Weirs are of Scotch-Irish lineage. The first American ancestors in their line sailed from the northern portion of the Emerald Isle prior to the American Revolution, locating in South Carolina. The grandfather of our subject, James Weir, became a resident of Charleston, South Carolina, and served in the colonial army

throughout the struggle which gave to this nation independence. James Weir, the father of Owensboro's prominent citizen, was born in South Carolina, near Charleston, and was the first of the name to seek a home in Kentucky,—the year 1896 being the centennial anniversary of his arrival. He first followed surveying and school-teaching, but later turned his attention to merchandising and built up a business of mammoth proportions, owning stores in Henderson, Morganfield, Madisonville, Greenville, Lewisburg, Hopkinsville and Russellville, Kentucky, and also in Shawneetown and Equality, Illinois, and in Gallatin, Tennessee. He also did a large and profitable business with the Spaniards in New Orleans and Cuba at a time when all the freight between Kentucky and New Orleans was carried on flatboats. The volume of his business was very great and he did much to promote the commercial activity of the state. His wife, Anna Ramsey Weir, was a native of Virginia and a daughter of Dr. Ramsey, also a descendant of one of the oldest and most influential families of the south. Both Mr. and Mrs. Weir were members of the Presbyterian church.

James Weir, the subject of this review, was graduated at Center College, at Danville, Kentucky, in the year 1840, and in the law department of Transylvania University, at Lexington, in 1842. He was under the able instruction of such well-known jurists as Judges Robinson, Wooley and Marshall, and his preparation well fitted him for his chosen calling. Removing to Owensboro, he entered upon the practice of law and was an eminent member of the bar until 1880, when he retired from practice. His clientage had been extensive and important, his ready command of language and superior gifts as an orator, combined with his comprehensive knowledge of the law, gave him a foremost place in the ranks of the legal fraternity. Other interests, however, claimed his attention and were carried forward to success by his capable management and sound business policy. In 1860 he was elected president of the Deposit Bank of Owensboro and he has continuously and acceptably filled that position up to the present time (1897). He was made president of the Owensboro & Nashville Railroad Company in 1860 and retained that office until 1873, during which time the road was extended to Russellville, Kentucky. He is a man of broad capabilities and excellent executive ability, and to-day ranks among the leading financiers in his section of the state. He has been interested in banking, in railroading and in manufacturing, and is identified with a number of enterprises which have largely promoted the material welfare of the community.

Mr. Weir is a man of scholarly attainments, with a broad knowledge of the works of the best authors of all ages. He possesses considerable literary ability, and had he devoted his life to literary work that field would no doubt have been greatly enriched. In 1850 he gave to the public his first volume, called "Lonz Powers, or the Regulators," a novel based on actual scenes and incidents which occurred in Kentucky in pioneer days. In 1852–3 he wrote "Simon Kenton" and "The Winter Lodge," the latter a sequel of the former and introducing the historic character of Simon Kenton and many of the events which occurred in North Carolina and Kentucky that have become matters of history. These three volumes were published by Lippincott & Company, of Philadelphia; but since that time,

so pressing have been his business cares, that Mr. Weir's literary work has consisted only of a few contributions to newspapers and magazines.

In the year of his admission to the bar, on the 1st of March, 1842, Mr. Weir married Miss Susan Charlotte Green, daughter of Judge John Green, of Danville, Kentucky, who served as judge of the circuit court, and was aide to General Isaac Shelby in the war of 1812. His wife was Sally Adams Fry, daughter of Joshua Fry, a prominent educator, while her grandfather was Thomas Walker, the surveyor of Walker's line, which formed the boundary between Kentucky and Tennessee. Mr. and Mrs. Weir have two sons, John G. and Paul, who are now members of the Owensboro bar. The others of their family are: Dr. James; Anna Belle, wife of Clinton Griffith; Susan, wife of James L. Maxwell; and Nora, wife of R. S. Triplett.

In early life Mr. Weir gave his political support to the Whig party, but since that time has voted with the Democracy. In manner he is dignified and courteous, in disposition kindly; over the record of his life there falls no shadow of wrong. He has walked among his fellowmen fearless and true—true to every manly principle and to every duty and obligation that rests upon him. Above all, he is entirely free from ostentation, and from young and old, rich and poor, he receives that respect which is ever accorded to genuine worth.

GEORGE WASHINGTON JOLLY, of Owensboro, Kentucky, was born in Breckinridge county, on the 22d of February, 1843, and springs from a family of long and honorable identification with American history. The first of the name to seek a home in the New World was Nelson Jolly, of Scotch-Irish lineage, who on crossing the Atlantic, settled in Bucks county, Pennsylvania, when the states along the Atlantic coast were provinces of Great Britain and the vast region to the west was still an unexplored district. He served in the United States navy under the celebrated Paul Jones and was killed in a naval engagement off the Irish coast. His son, Nelson, came to Kentucky in 1780, locating in Breckinridge county, where was born his son, Nelson, February 20, 1786, in Hinesfort, near Elizabethtown. Thus the ancestors of our subject were identified with the pioneer development of the state and aided in opening the way to civilization, bearing their part in the establishment of the commonwealth which has ever occupied a conspicuous place among the states of the Union.

John B. Jolly, the father of our subject, was a native of Breckinridge county, followed agricultural pursuits and for a number of years served as sheriff of the county. In early life his political support was given the Whig party and on its dissolution he joined the ranks of the new Republican party, of which he afterward remained a loyal adherent. He married Rachel Hardin, daughter of Henry Hardin, of Breckinridge county, whose father was General William Hardin, an officer in the war of the Revolution in command of the Virginia troops. In recognition of his service he received land warrants which he located in Breckinridge county and there laid out the town of Hardinsburg. He was one of the pioneers of the state, braving the dangers of life on the frontier, with its hardships and trials. He took an active part in the Indian wars and was prominently connected with

the events which go to make up the early history of the state. He served as a member of the first legislature after the admission of Kentucky into the Union, and aided in laying the broad foundation of state government on which the commonwealth today stands. He was a cousin of Ben Hardin, of Bardstown, Kentucky, one of the most famous members of the bar of the nation.

George W. Jolly was educated in the best private schools of Hardinsburg under the tutorship of Rev. R. G. Gardiner, and in that city took up the study of law under Judge J. W. Kincheloe and Judge G. W. Williams. He enlisted in 1864 as a member of Company M, Seventeenth Kentucky United States Volunteer Cavalry, and served until the cessation of hostilities, when he received an honorable discharge.

Mr. Jolly then returned to his legal studies and was admitted to the bar in Hardinsburg in 1865. Immediately he entered upon the practice of his chosen profession, which he continued there until 1872, when he removed to Owensboro. His course at the bar is one that commands public confidence. To careful preparatory training he has added most thorough investigation of all cases entrusted to him, and when he enters the court-room his opponents know he is ready for the encounter. His readiness in meeting unforeseen contingencies, his quick grasp of every available point, have made him a powerful advocate. He has been a close student of the political situation and questions of the day, and has allied himself with the Republican party, of which he is a recognized leader. He was an elector for the second congressional district in 1880, supporting Garfield for the presidency, and was the nominee of his party for congress in 1886 and 1888. In the latter year he was also a delegate to the Republican national convention. He is a warm advocate of the principles of Republicanism, strongly favors the attitude of the party on the currency question, and in 1896 was prominently spoken of as a candidate for the United States senate, as a compromise between the soundmoney Democrats and Republicans. Mr. Jolly has ever loyally stood by his convictions, with an unswerving belief in the righteousness of the cause which he advocated and the ultimate success of his principles, and has sustained an untarnished reputation.

In the line of his chosen calling Mr. Jolly has rendered to his fellow citizens most efficient service. On the 5th of August, 1889, he was appointed United States district attorney for Kentucky, and in January, 1890, was re-appointed by President Benjamin Harrison, serving in that capacity until 1894, when on the change of administration he retired from office. In the conduct of his office he was fearless, making it serve the purposes of the law regardless of persons—knowing no favorites and seeking justice and equity. In 1874 he was a candidate for the office of county judge of Daviess county, and although the Democratic majority was unusually large that year he was defeated by only a few votes. In his canvass before the people he appealed to their "business sense" with the result that he polled a very large vote. He had made the discovery that an over-issue of bonds had been voted to the Owensboro & Russellville Railroad Company and was retained as counsel by a number of taxpayers of the county to have the excess declared void, the case being known as A. G. Howard et al. versus the

Daviess County Court et al. Subsequently suit was brought for the payment of these same bonds in the United States circuit court and judgment rendered against the county, after which Mr. Jolly was employed by the county court to try the case before the United States supreme court, where he secured a reversal of the decision.

On the 16th of February, 1871, Mr. Jolly was married to Miss Sue Henderson, of Breckinridge county, a daughter of P. J. and Elizabeth Henderson, honored pioneer settlers of the state. They have five children, Horace, Marian, Jessie, Percy and Susie. Of the Masonic fraternity and the Presbyterian church Mr. Jolly is a valued member. He is noted for his unswerving loyalty to all that he believes to be right, even though it is in seeming opposition to his personal interests, an instance of this being shown by his enforcement of the civil-service laws, and by his indictment of a number of men instrumental in collecting assessment from clerks and other government employees in contravention to civil-service regulations. This brought down upon him the disapproval of some of his own party, but strong and fearless he discharged the duties devolving upon him and won thereby the respect of all just men.

CHAPEZE WATHEN, of Owensboro, was born in Breckinridge county, February 10, 1858. His father, Dr. Benedict Wathen, was a native of Maryland, in which state his ancestors had located on coming from England to America at an early date in the history of this country. The Doctor came to Kentucky with his parents, the family settling on what was then the frontier region, immediately after the close of the Revolutionary war. The mother of our subject bore the maiden name of Flageet E. Chapeze, a daughter of Benjamin Chapeze, one of the leading lawyers of Bardstown, Kentucky, and a granddaughter of Dr. Henri Chapeze, a native of France who came to America with the Marquis de La Fayette and served in the war for independence, as a surgeon. When hostilities had been brought to a close he located in New Jersey and married Sarah Kenny, after which he removed with his family to Bardstown, Kentucky, where he died in 1810. Their son, Benjamin Chapeze, married Elizabeth Shepard, of Bullitt county, daughter of Adam Shepard, who located Shepardsville, Kentucky.

Chapeze Wathen, who was named in honor of his grandfather, was early destined for the law and his education was directed to that end. He was educated in private schools and by private tutors in his own home in Breckinridge county and subsequently attended St. Joseph's College, of Bardstown. In March, 1881, he was graduated in the law department of the University of Kentucky, at Louisville, having previously, while serving as deputy in the office of the county clerk at Brandenberg, Meade county, taken up the study of law under the direction of David W. Farleigh. After his graduation he was admitted to the bar and entered upon his professional career in Brandenberg in 1881, meeting with success in his labors from the very beginning.

Mr. Wathen continued in the practice of both civil and criminal law until 1886, when he was elected to the office of commonwealth's attorney for the sixth judicial district. This, of course, prevented his further practice of criminal law, save as prosecutor for the state, and his time was so largely occupied with his public duties that

he could attend to but a few civil cases. On the expiration of his six years' term in January, 1893, he declined a re-election, much to the regret of a grateful public, who keenly appreciated his absolute fidelity to the duties of his office and his most faithful service in their discharge. During his term he served the prosecution in the case of Commonwealth versus A. M. Pulliam, which attracted such wide-spread attention, the defendant being indicted for the killing of James Miller. He was convicted, although the defense was the alleged seduction of the wife of Pulliam. Many other cases of note were conducted by him in behalf of the state, and his conduct of the office was so eminently satisfactory that he left it as he had entered it—with the good will of all.

On his retirement Mr. Wathen removed from Brandenberg to Owensboro, where he has since been engaged in private practice. His patronage involves both civil and criminal cases, in which he is equally successful. Since his removal to Owensboro his attention has been confined principally to private litigation in the state and federal courts, in contradistinction to corporation cases. The Owensboro Messenger of February 28, 1897, ays:

"The suit of the Rock Spring Distilling Company versus R. Monarch, recently decided in the court of appeals, was tried in the Daviess circuit court before Chapeze Wathen, special judge. In affirming the judgment Judge Hazelrigg, of the court of appeals, paid Judge Wathen the most extraordinary compliment of adopting his opinion in the case as that of the appellate court, stating that it was so well drawn that it could not be improved upon. It is very rare that the court of appeals has done this; indeed, but one instance is now known, when an opinion by Judge Brodinax, of Logan county, many years ago, was incorporated in the records of the court of appeals as the opinion of that court. Mr. Wathen stands very high, not only at the bars at which he practices in this section of the state but before the court of appeals, as may be well surmised from this incident."

Mr. Wathen is a most courteous gentleman, the line of his French ancestry being strongly marked in his demeanor as well as in his personal appearance. He is a fluent speaker, ready in debate and quick at repartee. In the preparation of cases he is very careful and is forcible in the presentation of his cause before judge or jury. As an orator he has been of much service to his party, the Democratic, and is an active participant in the work of the political arena, but never seeks the honors that it has to bestow in the way of office. He has been urged to permit his name to be used in connection with the nomination for attorney general of the state, but has steadily declined. He is a consistent member of the Catholic church, which was the faith of his forefathers, and is liberal in his views and tolerant of the opinions of others.

In 1891 was celebrated the marriage of Mr. Wathen and Miss Mary Fairleigh, a native of Meade county, Kentucky. They have three children—Jane Murray, Flageet E. and James Fairleigh.

JOE NOE, state senator of Kentucky from the Owensboro district, was born in Washington county, on the 15th of September, 1850. The Noe family is of Scotch origin and was founded in America by three brothers who located in Maryland. Later

Joe Rose

one moved to Kentucky and another to Mississippi, and from the Kentucky branch of the family nearly all of the name in America are descended. Among them have been men prominent in various walks of life, including John Noe, who became judge of the superior court of Tennessee. James Gabriel Noe, father of Joe Noe, was a native of Marion county, Kentucky, and a dealer in live stock. He married Eliza Ann Wilson, a native of Washington county, Kentucky, daughter of John Hardin Wilson, who participated in the battle of New Orleans in the war of 1812 under General Jackson. Her mother was a Miss Pettit. Both the Wilson and Pettit families came to Kentucky from Virginia with the early settlers.

Joe Noe was educated in the common schools of McLean county and seminaries in McLean and Todd counties, after which he took up the study of law in the office of his brother, William B. Noe, at Calhoon. In July, 1872, he was admitted to the bar and entered into partnership with his brother. In 1874 he was elected county attorney of McLean county, for a four-years term, and was re-elected in 1878. In 1880 he was nominated by the Democracy and elected to the position of commonwealth's attorney for the fourth judicial district, whereupon he resigned his position as county attorney. In 1886 he was re-elected commonwealth's attorney for the same district without opposition, and held the office until January 1, 1893. He declined a re-election and devoted himself to the practice. While in office he successfully conducted some of the most noted criminal prosecutions in western Kentucky, including the case of James S. Hardesty, tried for the murder of William Murphy in Daviess county, and Felix Herrick for the murder of John Richmond, in McLean county, both the criminals and their victims being prominent and wealthy residents of their respective counties. His faithful performance of his duty and the visitation of just punishment upon all offenders is shown by the fact that the penitentiary records contain the names of more criminals from his district serving life sentences than from any other district in the state. His energetic prosecution of gamblers and other transgressors changed Owensboro from a place of evil repute, equaled only by the worst mining town of the west, to one of the cleanest cities in the entire Union. Faro, keno and all games of chance were entirely crushed out and the moral interests of the city greatly advanced.

Mr. Noe removed from Calhoon to Owensboro in 1884 and engaged in the general practice, but for many years has made a specialty of civil cases. In 1893 he entered into partnership with Judge Charles W. Massie, which has since been maintained. In November, 1893, he was nominated for state senator notwithstanding his earnest protest against it in the convention. His opponent was the candidate of both Republican and the Populist parties, yet Mr. Noe was elected by a majority of one thousand. In the session of 1894 he was chairman of the committee on printing and was a member of the committees on general statutes, codes of practice, judiciary and corporations. During this session there was an act introduced, entitled "Husband and Wife," to which Mr. Noe was opposed. The bill was introduced by Hon. Rozel Weissinger, of Louisville, and was finally passed. It has since been construed by the court of appeals as adverse to the best interests of the wife's estate as a *femme sole*, a construction which was apparent to Senator

Noe at the time it was introduced into the senate, and which was the cause of his opposition. At the session of 1896 he was chairman of the committee on codes of practice and a member of the committee on general statutes, charitable institutions, printing and federal relations. Although a "sound money" Democrat he voted for Senator Blackburn as the caucus nominee for thirty-six days, until it became evident that it was impossible to elect him. Mr. Noe then formulated the petition requesting his withdrawal, that some other Democrat might be elected, and on the refusal of the senator to withdraw Mr. Noe was the first to lead in the effort to elect John G. Carlisle, for whom he continued to vote from the thirty-seventh ballot to the close of the session. He made a speech in the joint assembly which attracted attention throughout the country when he cast his first vote for Mr. Carlisle, explaining his reasons for so doing. He pronounced a eulogy on Senator Weissinger, who died during the session of 1896, that has been spoken of as one of the most eloquent tributes to departed worth ever heard in any assembly. In the final proceedings of the session of 1896, when it was proposed to condemn Governor Bradley by resolution for ordering out the militia without investigation or hearing, Mr. Noe offered the resolution for the appointment of a committee to investigate and to hear the Governor's defense of his action, which resolution was amended and after debate adopted. This session was one of the most exciting and memorable in the annals of Kentucky legislation.

Mr. Noe has been a general practitioner and his business has been extensive in both the state and federal courts. He has been connected with much of the important litigation of western Kentucky. He has been a close and thorough student and has a comprehensive acquaintance with the various branches of the science of jurisprudence. He is gifted as an orator and in argument is a strong opponent, resting his case upon the sure foundation of precedent and upon the fairness of judge and jury.

Mr. Noe was married in 1879 to Miss Emma Chappell, a daughter of James Chappell, a farmer of Bullitt county. She died in 1888, leaving four children, James D., Effie L., Joe, and William A., and Mr. Noe has since devoted himself to their care with untiring attention. He is a member of the Baptist church, and is connected with the Masons, Knights of Pythias, Knights of Honor and Benevolent Protective Order of Elks, in all of which he takes an active interest. He is a warm advocate of the true principles of the Democratic party and of sound money. He was urged to accept the nomination for congress, but declined the honor. He is an untiring worker, and is frequently on the "stump" during campaigns.

Mr. Noe is a most genial, kindly and courteous gentleman, generous to a fault, warm-hearted and charitable, and although he served as prosecuting attorney for his district for twelve years, he evinced no malice, and if he doubted the guilt of the accused his prosecution was not pressed. His many excellent traits of character have made him a social favorite and he is popular with all classes.

CHARLES WADE MASSIE, of Owensboro, was born in Bedford county, Virginia, November 18, 1845. His father, John Massie, a tobacconist, was a native of Amherst county, Virginia, descending from

ancestry who emigrated from England in the early part of the eighteenth century and settled in the Old Dominion. In 1846 he removed to Ohio county, Kentucky, and in 1865 took up his residence in Daviess county. He married Theodosia Frances Wade, who was born in Bedford county, Virginia, a daughter of John Wade, a planter, of Virginia, of English ancestry. Her maternal grandfather, Jesse Reynolds, was one of the heroes of the Revolution who fought for the independence of the colonies.

Judge Massie was brought to Kentucky during his infancy and acquired his elementary education in the common schools of Ohio county, after which he pursued his studies in the seminary in Whitesville, Kentucky. He was prepared for the practice of law in the office of John C. Townsend, at Hartford, Kentucky, and was admitted to the bar in September, 1871: he at once entered upon the practice of his chosen profession, to which he has since devoted his energies. His career has been a success, but his desire for success is subordinate to his love of justice, which fact has made his course an unimpeachable one. In 1882 he was elected county judge of Ohio county, and filled the office for two terms, winning high encomiums from the bar and the public by his unswerving fidelity to duty while on the bench. In 1893 he removed to Owensboro and entered into partnership with Hon. Joe Noe, but still has a large clientage in Ohio county. He has been connected with some of the most important cases that have come up in that county, and was attorney for the defendants in several murder trials. His intellectual vigor, his keen discrimination and careful preparation have enabled him to familiarize himself with every question involved in a case entrusted to him, and he has invariably sought to present his argument in the strong, clear light of common sense and sound legal principle.

On the 20th of October, 1864, Judge Massie married Miss Martha S. Ford, who died November 24, 1892. He was again married June 4, 1894, to Mrs. Millie A. Ralph. He has nine children by the first union: Elisha S., Nora H., Nancy E., Everett L., Zenobia, Mary T., Joseph D., James C. and John Carlisle.

Judge Massie is a member of the Baptist church, and a Democrat in his political faith. He is also a member of the Masonic fraternity. Of amiable and generous disposition, courteous manner and fluent speech, he is a valued addition to any society, while his upright and just life has won him the confidence of the people and the high respect of his fellow members of the bar.

ROBERT STUART TODD, of Owensboro, was born December 7, 1856, in Daviess county, Kentucky. His father, Dr. David F. Todd, was a physician of high reputation. The Todd family, from which he descends, is of Irish extraction, and was founded in America by Robert Todd, who was born in Ireland in 1697, and on coming to America settled in Montgomery county, Pennsylvania, in 1737. There he died in 1775. His second son, David, was born on the Emerald Isle in 1723, and emigrated from Montgomery county, Pennsylvania, to Kentucky in 1783, his sons, John, Robert and Levi, having preceded him to this state. Of these the first named was killed at the battle of Blue Licks, while David died in Fayette county, Kentucky, on the 8th of February, 1785. For his wife he married Hannah Owen, of Welsh descent and of

Quaker faith. Robert Todd, second son of David Todd and Hannah, *nee* Owen, was educated at the school of his uncle, Rev. John Todd, in Virginia, and married the daughter of that divine. He studied law in Virginia in the office of General Andrew Lewis, and at an early date came to Kentucky, where he became prominent in public affairs. He was sent as a representative from the "Kentucky district" to the Virginia house of burgesses, was an elector of the senate, and served as senator in 1792. His early identification with the city of Lexington is indicated by the fact that he owned real estate there in 1783. He was an active and brave soldier throughout the Indian wars, and was wounded in the defense of McClellan's fort, now Georgetown, Kentucky. For many years after the organization of Kentucky as a state he served as judge of the circuit court of the Fayette district. Judge Levi Todd, Colonel Thomas Todd, of Indiana, and Dr. John Todd, of Danville, Kentucky, were his sons. The last named married his cousin, Nancy Todd, the fourth child of General Levi Todd, and had ten children, one of whom was David, the father of Robert Stuart Todd, of this review. David Todd engaged in the practice of medicine in Mississippi for a number of years, and in 1850 removed to Daviess county, where he turned his attention to agricultural pursuits, being thus engaged up to 1869, when he was appointed school commissioner of Daviess county, an office which he filled by successive reappointments until a short time before his death, in 1878, when he resigned because of ill health. The Todd family is numerous and prominent in Kentucky, and one of its members, Mary Todd, became the wife of Abraham Lincoln and the mother of Hon. Robert Todd Lincoln, secretary of war in the cabinets of Presidents Garfield and Arthur. The mother of our subject was Miss Jane Hicks, of Fayette county, Kentucky. Her father was a man of great culture and education, and was one of the most able instructors in the state.

Robert Stuart Todd, the subject of this review, was educated in the schools of Owensboro and under private tutors until 1873. He early manifested a predilection for the profession of law, and, after teaching school for a short term, in October, 1873, entered the office of the county clerk of Daviess county, where he remained until 1877, when he was appointed to the office of master commissioner of the circuit court by Judge James Stuart, and while in these offices he pursued the study of law. He held the office of master commissioner until 1880, at which time he was licensed to practice law and at once entered upon the prosecution of his chosen profession. His progress has been steady. Merit, which is the only road to substantial advancement in life, has won him recognition as a leading member of the Owensboro bar; in 1890 he was elected county attorney for a term of four years; in 1884 he was re-elected, serving for three years and discharging his duties in a most acceptable manner. He has also served one term on the school board of Owensboro and is deeply interested in the advancement of the cause of education. He is the attorney of the Owensboro Savings Bank, also of the Citizens' Savings Bank, and has a large and influential clientage.

In April, 1879, Mr. Todd was united in marriage to Miss Curran Pope Thurston, daughter of Colonel Algernons Thurston, who studied for the bar and engaged in the practice of law while in Texas, but turned

Lewis W. Henry

his attention to agricultural pursuits on his removal to Daviess county, Kentucky. Mr. and Mrs. Todd have one child, Jean D. He is a Presbyterian, his family for many generations having been adherents of that denomination. In politics he is a supporter of Democratic principles. His thorough reliability in all matters, his faithfulness to every trust committed to his care and his straightforward career are well known to the public and have won him the respect, while his kindly manner and unfailing courtesy have gained him the warm friendship, of all who know him. In his legal work he is very accurate, his knowledge of law is comprehensive, and he is a fluent and gifted speaker.

JOHN HARDIN McHENRY, of Owensboro, was born February 21, 1832, in Ohio county, Kentucky, and died at Owensboro, July 7, 1893. He belonged to a family whose name is indelibly engraved on the pages of his state's history on account of the prominence of its members in public life. His father, John Hardin McHenry, was a native of Washington county, Kentucky, born October 13, 1797. He was a lawyer of notable distinction and served as commonwealth's attorney for the judicial districts embracing Daviess, Henderson, Ohio, Breckinridge and Muhlenberg counties. He was appointed to this position by the governor and served from 1821 until 1839. He served as representative in the state legislature in 1840 and 1841, and was overseer in Transylvania University in 1843. The same year he was elected to congress, where he served until 1847. In 1849 he was a member of the state constitutional convention and in 1853 removed from Hartford to Owensboro, where he continued in the honorable practice of law up to the date of his death,—November 1, 1871. He was a most able lawyer and was loved and esteemed by all who knew him.

John Hardin McHenry descended from Rev. Barnabas McHenry, one of Kentucky's pioneers and a preacher of the Methodist church, who came to this state from Maryland soon after the Revolutionary war. He was a distinguished divine and organized many of the Methodist churches of Kentucky and the west. He married Sarah Hardin, daughter of John and Jane (Doris) Hardin. Her father was born in October, 1853, served in the Continental army as captain in General David Morgan's rifle corps and marched from Boston to Canada. He engaged in every battle in which that command participated, and at the battle of Saratoga Springs received the public thanks of General Gates for his distinguished services. After the establishment of the republic he was sent by President Washington on a mission of peace to the Indians in the northwest territory of Ohio and was murdered by the red men in 1792. He was the son of Martin and Mary (Waters) Hardin; the former was a son of Martin Hardin, a French Huguenot, who, in 1748 received from King George of England, through Lord Fairfax, a grant of land in Fauquier county, Virginia.

James McHenry, for whom Fort McHenry was named, was an uncle of Barnabas McHenry, grandfather of John Hardin McHenry. He was in the cabinet of General Washington.

John Hardin McHenry, whose name introduces this review, was educated in Hanover College, Indiana, and at Center College, at Danville, Kentucky. He was also for three years a cadet at West Point and on

the expiration of that period, returning to his native state, he entered upon the study of law in his father's office and was graduated on the completion of the prescribed course in the law department of the University of Louisville, in 1857. He then joined his father in practice in Owensboro. In 1859 he was selected by Governor Charles S. Morehead, one of ten captains to command volunteers to go to Utah to assist in the subjection of the Mormons. This duty he was not called upon to perform, however, the trouble having been settled by the presence of the United States troops under Albert Sydney Johnston.

In 1861 Mr. McHenry recruited the Seventeenth Kentucky Infantry for the federal army and on the 1st of October, 1861, was in the first engagement which occurred on Kentucky soil. He was with General Grant at the battles of Fort Donelson and Shiloh, and when his regiment was consolidated with the Twenty-fifth Kentucky he was placed in command, continuing thus to serve until President Lincoln issued his proclamation of emancipation, when, feeling dissatisfied with the action taken, Colonel McHenry handed in his resignation and withdrew from the field. In 1863 he was named as a candidate for congress, but was defeated by Hon. George A. Yeaman. In 1881 he organized the campaign known as the Union Democratic movement in opposition to the preferment so long accorded those who served in the Confederate army over Union soldiers in the distribution of public offices. He had been a consistent Democrat for many years and so continued until the nomination of James G. Blaine for the presidency in 1884, when he espoused the cause of the able Maine statesman and thereafter gave his support to the Republican party. In 1891 he was appointed by the president and confirmed by the senate as postmaster of Owensboro, and was the incumbent of that office at the time of his demise. He was of stern integrity and honesty of purpose, and despised all unworthy or questionable methods to secure success in any undertaking or for any purpose, or to promote his own advancement in any direction, whether political or otherwise. The tongue of calumny has never uttered a word to the contrary, nor did the malevolence of detraction dare to assail his private reputation. It is our duty to mark our appreciation of such a man,—a man true in every relation of life, faithful to every trust.

Mr. McHenry was a prominent and valued member of the Ancient Order of United Workmen, and served as grand master of Kentucky for two years. He also belonged to the Masonic fraternity and to the Grand Army of the Republic. He was an eloquent speaker, keen and alert in the management of his cases, a successful practitioner and a competent and obliging public servant, a brave soldier and an honorable citizen, who had the respect and esteem of the entire community in which he so long resided. He was prominent in the affairs of the state, was known through its length and breadth, and was respected by all classes.

On the 30th of December, 1868, Mr. McHenry married Miss Josephine Phillips, daughter of Joseph Francis Phillips and Elizabeth Sue (Simpson) Phillips. Mrs. McHenry is a lady of rare beauty and accomplishments, ever an inspiration to her husband and seconding him in every good work. Her love, sincerity and sympathy not only brightened his life but also the lives of all with whom she has been brought in contact. She is a descendant of Rev.

Joseph Phillips, of Boxford, England, and his wife Elizabeth. They came to America with Governor Winthrop and settled at Watertown, Massachusetts, about 1630. Branches of this family were established in various states throughout the Union and many of the sons were in the war of the Revolution and in the war of 1812. The first to come to Kentucky was William Phillips, who settled in Frankfort soon after the state was opened up to civilization. He was in the government service and fought under General William Henry Harrison in the battle of Tippecanoe, November 7, 1811. His son, Joseph Francis Phillips, the father of Mrs. McHenry, was born in 1809, received a liberal education, and was for many years a merchant and capitalist at Louisville, Kentucky. Mrs. McHenry is active in all charitable work, a friend to the poor and needy, and in her own home a most devoted mother to her children. She has reared her family in the Baptist church, in which she is a most active worker, and in various church societies she has served as secretary and treasurer. Her children are: Sue D.; Martine, wife of J. Allen Frayser, a banker of Owensboro; Jennie, wife of W. L. Horne, Jr., general manager of the New England Mutual Life Insurance Company for Indiana; and Junius Hardin, now (1897) a student in Rush Medical College, Chicago.

HENRY DAVIS McHENRY was born in Hartford, Kentucky, February 27, 1826, and died December 17, 1890. Deeply engraved on the roll of Kentucky's most eminent and honored men is the name of Mr. McHenry. This volume would be incomplete without the record of his life, yet the chronicler approaches with reluctance the task of preparing a brief account of his career, fearful that it may not do justice to one whose brilliance of thought and probity of life made him one of the best-loved men of his native state; and yet, fearful that in an attempt to do justice to his virtues and talents, the article may seem to partake of the style of compliment which would be utterly inharmonious with the nature of one whose sincerity in all things and freedom from everything hypocritical or ostentatious was one of his most marked characteristics. A memorial volume of the "Life and Character of Henry D. McHenry" was published by the constitutional convention of Kentucky, of 1890, of which he was a member and died during its session,—no better record of his life and work can be secured than by quoting freely from the utterances of the men who were intimately associated with him in his professional, political and social life,—men who admired him as a statesman, respected him as a man and loved him as a friend. The convention, in the midst of its important work of revising a constitution of the state, set apart one day in which to honor the memory of so prominent a member, and with hearts filled with loving recollections they spoke of his life in its various phases, each adding his tribute of respect as they were thus gathered together, enshrouded by this great sorrow and their common loss.

J. Proctor Knott, of Marion county, who had known him long and intimately, and who had been associated with him in the state legislature of 1851, said: "A few fleeting days ago there went in and out among us one whom even the passing stranger would have marked for the majesty of his manhood; but there came, like the

lightning bolt from a cloudless sky, the brief appalling message, 'Henry D. McHenry is dead!' Loving hands have gently laid him away in his last, long resting place; loving eyes have looked for the last time through the mist of blinding tears upon his still, cold face; the last wailing note of the funeral dirge has died away; the last stifling sob is hushed, and we are here to redeem that tender pledge of sorrowing friendship.

"Henry Davis McHenry was born in Hartford, Kentucky, February 27, 1826, and in those sterling qualities for which he was distinguished in all the relations of life may be found one of the most striking illustrations of the mysterious law of heredity. His grandfather, Rev. Barnabas McHenry, was one of the most distinguished ministers of the Methodist Episcopal church in his day. His grandmother, Sarah Hardin McHenry, a lady of extraordinary intellectual endowments and of the highest type of moral excellence, was a daughter of the celebrated Colonel John Hardin, a trusted officer and favorite friend of General John Morgan in the war of the Revolution, who was afterward one of the most daring and distinguished pioneers of Kentucky, and finally a martyr to the service of his country, conspicuous throughout his remarkable career for that lofty intrepidity of soul and sublime devotion to duty. Mrs. McHenry was also a sister of General Martin D. Hardin, who was among the most intellectual men of his generation; the ablest and most eminent of all the extraordinary family which bears his name or shares his blood—lawyer, soldier, statesman—shedding the brightest luster alike upon the civil and military annals of the commonwealth.

"John Hardin McHenry, father of Henry D., having adopted the profession adorned by so many of his kinsmen, settled, soon after his admission to the bar, at Hartford, where he not only achieved a comfortable fortune by his talent and industry, but acquired the reputation of being one of the ablest lawyers in the commonwealth. He was elected to represent his county in the state legislature, afterward was sent to the federal congress, and was a delegate to the constitutional convention of 1849, in all of which offices the integrity and ability with which he discharged the important duties devolving upon him was an ample vindication of the confidence reposed in him by his constituents, while his private life was a constant illustration of the loftiest virtues which signalize an honorable and useful manhood.

"Sprung from such a race, it is not strange that, as he grew toward man's estate, Henry D. McHenry seemed to incline instinctively to the favorite profession of his family. Having gone through a preparatory course of legal reading in the office of his father, he was graduated in the law department of Transylvania University in 1845 and was immediately admitted to the bar of his native county, although not yet twenty years of age. His professional career was precisely such as may always be expected of one possessing his rare combination of mental and moral endowments. He had not only inherited that singular aptitude for the science of jurisprudence which had enabled such an unusual number of its kindred to achieve the highest distinction at the bar and on the bench, but he also entered the forensic arena full panoplied, without a break in his harness. To an understanding of uncommon acuteness and vigor he added a thorough and conscientious preparatory training, while he exemplified in his practice

all the higher elements of the truly great lawyer. He was constantly inspired by an innate, inflexible love of justice and a delicate sense of personal honor, which controlled him in all his professional relations. His fidelity to the interests of his clients was proverbial; yet he never forgot that he owed a higher allegiance to the majesty of the law. His diligence and energy in the preparation of his cases, as well as the earnestness, tenacity and courage with which he defended the right, as he understood it, challenged the highest admiration of his associates. He invariably sought to present his argument in the strong, clear light of common reason and sound legal principle. How nobly he sustained, throughout a long career, the purity of his own reputation and the brilliant prestige of his illustrious family!"

Mr. McHenry, as few men have done, seemed to realize the importance of the profession to which he devoted his energies, and the fact that justice and the higher attribute of mercy he often held in his hands. His reputation as a lawyer was won through earnest, honest labor and his standing at the bar was a merited tribute to his ability. From early manhood he was also a prominent factor in the legislative councils of his state and became a man of national reputation as a leader of the Democracy. In 1851, when barely eligible to a seat in that body, he was chosen to represent his native county in the general assembly, and ten years later was elected to the state senate, while in 1865 he was again a member of the house of representatives. In 1870 he was a member of the forty-second congress and in 1872 represented his party, as a delegate from the state at large, in the Baltimore convention, by which he was selected a member of the Democratic national committee, a position of rare distinction as well as grave responsibility, demanding the highest order of executive ability, which, in virtue of five consecutive elections, he continued to fill to the day of his death.

His public record is a part of the legislative and political history of the country. "He was an intensely patriotic man," said Mr. Young, of Louisville, in a memorial address. "He loved his state and country and republican institutions with a passionate tenderness. This love of native land inspired his political duties and actions, and to it he ever consecrated his best thoughts and his most faithful services, subserving personal interests and personal ambitions to public good." His calm, sound judgment was brought to bear upon the important questions that had to do with the welfare of the state, and he was recognized as the leading member of the legislature both in the house and senate. He believed thoroughly in the principles of democracy, and as a member of the national committee aided in guiding the vast political party and shaping its course so as to win success. The welfare of the nation was to him a matter of serious import, and he felt that its best interests could be secured through the adoption of the principles of the party with which he was long identified.

Mr. McHenry was a member of the general assembly during the period of the Civil war and was a most unqualified supporter of the Union and the national government. Speaking of this period, Mr. DeHaven, of Oldham, said: "We were both young men then, flushed with youthful ambition to serve our country as best we could. Shortly after we had taken our seats and had assumed the grave responsibilities of legisla-

tion, the dark and murky clouds of war began to hover portentously over our southern horizon. State after state attempted to withdraw her allegiance from the general government and cast her destiny with a separate and distinct political organization. Amid these fearful scenes the legislature was convened in extra session. Appalled by these surrounding circumstances, and rent in twain by dissensions among her own people, this grand old commonwealth for a moment hesitated, reeled and staggered in her course, but soon she righted and determined to remain fixed in that position where her fathers had placed her. In these trying and fearful times, in the decisions of these great questions, Colonel McHenry took an active and leading part. Strong in his convictions of right; courageous enough to stand by and act up to the dictates of his judgment; open, manly and candid in all his acts, he soon won the admiration and affection of his friends and the respect of his enemies. For nearly five years the ground trembled beneath the tread of contending armies. The air reverberated with the clash of arms and the roar of artillery. The war closed, and Colonel McHenry was among the first to come forward and welcome the returning Confederate soldier. He spent his time and money in having their political disabilities removed, and generously contributed his assistance to enable them to gather around them the comforts of life, so that he soon numbered among the Confederate soldiers his warmest, most devoted and loyal friends.

"On more than one occasion he displayed his great magnanimity of spirit. Although bitterly opposed to the secession and the revolt of the south, he was too generous and noble to let his views affect his personal friendship. At one time, when a Confederate soldier who had been captured in war was brought to Louisville and condemned by court-martial to be shot, Henry D. McHenry, who had formerly been a neighbor of the man, interceded for him and saved his life. The man had neither expected nor asked for intercession, and without solicitation Mr. McHenry used his influence for the old-time friend, securing his release. Such acts plainly show the great heart of the man."

When the people of Kentucky sent forth their representative men to frame a new constitution for the state, Henry McHenry was made the delegate from Ohio county to that convention, and up to the time of his last illness was one of its most faithful, efficient and valued members. He was prominently spoken of as the president of the convention and received a number of votes for that office. He served on many of the most important committees, including the committee on rules, of which he was made chairman. He discharged his duties in connection with these committees with dignity, ability and high personal honor, was an active, intelligent and useful member of the convention and was recognized as one of its leaders up to within a few days of his death. The greatness of the man was displayed on several occasions, when after having made an amendment, it would be amended in turn or another resolution offered in its place. Mr. McHenry without a moment's hesitation would rise and say, "That resolution is better than mine: I withdraw mine." His desire was to have the best constitution that could be produced, and he sought not personal honor but the good of his state. "His father," said Mr. Auxier, of Pike county, "was a member of the convention of 1849,

Eli N. Brown

and the distinguished man, the son whom we now honor, was elected to this convention, and served until he died; and to-day his place is filled by his son,—father, son and grandson of the McHenrys taking part in the deliberations of state constitutional conventions—an honor conferred on no other family in this state."

On the 26th of January, 1856, Mr. McHenry led to the marriage altar Miss Jennie Taylor, daughter of Rev. James Taylor, of Hardinsburg, Kentucky, where they mutually plighted to each other the sweetest, holiest vows known to religion. Gifted with the rarest charms of intellect, with the highest culture, she graced his home with her gentle womanhood and was to him indeed a helpmeet. She shared with him in his ambitions, she encouraged him in his work, she sympathized with him in those disappointments which checker the lives of all, and was ever a true and loving wife and mother. It was probably in his home that the true life of Mr. McHenry shown forth most brightly. He was most devoted to his family, the love of his wife was to him his greatest joy, and to his children he was not only father but companion and friend as well. He was the shield and protection of that happy household and his loving consideration for his wife never slackened up to the time they were separated by the hand of death. In the hotel, just before his departure for home, at the time of his last illness, a friend was visiting him. Turning to his wife he requested her to step into an adjoining room. Then, grasping the hand of his friend, he said: "Tom, I didn't want my wife to see it, but I want to bid you good-bye. It is the last good-bye I shall ever bid you." Thus to the very last moment he showed the greatest solicitude for the happiness of his wife.

To young men Mr. McHenry was specially helpful, encouraging and aiding them as they started forth to meet life's hard battles, which leave many scars even on the face of the man who comes out victor in the end. The ties of friendship were to him strong—not lightly to be severed. In all things he was guided by a purity and integrity of purpose that inspired all men who knew him with confidence, and made him a leader and counselor of men. He possessed a heart filled to overflowing with the milk of human kindness. It was void of all uncharitableness, and his sympathies were as broad as humanity itself. The volume of memorial addresses bears upon its title page the following inscription:

"In remembrance of Henry Davis McHenry. Born February 27, 1826; died December 17, 1890. A learned and faithful lawyer, a peaceful and public-spirited citizen, an incorruptible patriot, a sagacious statesman, and — over all, God's noblest handiwork — an honest man. He was an ornament to the commonwealth and an honor to his race.

"'— Cui Pudor, et Justitiæ Soror
Incorrupta Fides, nudaque Veritas.
Quando ullum invenient parem?'"

ELI HUSTON BROWN, of Owensboro, was born in Meade county, Kentucky, near Brandenberg, in November, 1843, and was named in honor of Eli Huston, with whom his father was connected by the ties of blood. He is a son of John McClarty Brown, a representative of one of the pioneer families of the state and a native of Nelson county, Kentucky. At an early day in the history of this commonwealth his parents removed from Maryland

to Kentucky and took up their residence in Washington county, whence they afterward went to Breckinridge county. The original American ancestors of the family emigrated from Scotland to the new world in colonial days. The mother of Mr. Brown bore the maiden name of Minerva J. Murray, and was a daughter of Colonel John Murray, a merchant of Hardinsburg and Rumsey, Kentucky. The Murrays were of Scotch-Irish lineage, and to this family belonged General Eli Huston Murray, of the United States Army, who was one of the youngest soldiers to gain the title of general during the Civil war. He was an especial favorite of General U. S. Grant, and after the war was appointed United States marshal of Kentucky and later became governor of Utah, by appointment; he died in November, 1896, at Bowling Green, Kentucky. He was a practicing lawyer of San Diego, California. William Murray Brown, a brother of Eli H. Brown, and fifteen years his senior, became a lawyer of Brandenberg, Kentucky. He served as captain of cavalry in the First Kentucky regiment of Confederate troops, under Ben Hardin Helm, and afterward returned to his home at Hawesville, where he filled the office of master in chancery, and later was judge of the county court until his death.

Eli H. Brown was educated in the schools of Hawesville and by private instruction from Professor Sproule, an ex-Presbyterian minister and a man of great erudition. Later he pursued a two-years course of study in the high school of Lewisport, where he was graduated. He then entered the law office of Judge G. W. Williams, at Hawesville, where he studied for two and a half years, after which he obtained license to practice, and through the succeeding eight years was a member of the bar of that place.

In 1872 Mr. Brown removed to Owensboro and entered into partnership with his former preceptor, Judge Williams, who had previously located there. While in Hawesville he was elected prosecuting attorney of Hancock county in 1862, and served in that office for two terms of four years each. In 1872 he was a presidential elector on the Democratic ticket for the second congressional district and made a canvass of the district in joint debate with Samuel E. Smith, of Greenville, Kentucky, the Grant elector and a very brilliant man. Mr. Brown has not been a politician in the sense of office-seeking, and since 1872 has given his time almost exclusively to his law practice. In October, 1878, the partnership with Judge Williams was dissolved and Mr. Brown removed to Louisville, where he established an office; after twelve years passed in that city he returned to Owensboro in the winter of 1891. Here he renewed his old associations and took up the thread of practice and clientage which had been severed by the death of Judge Williams, in 1890.

His practice has been general for the most part, but within the past few years he has devoted his attention more exclusively to corporation law. He is now the attorney for the Glenmore Distilling Company, the Eagle Distilling Company, the Davis Distilling Company and the Owensboro Woolen Mills Company. One of the most important legal contests with which he has been connected is that of the Muhlenberg county bond litigation, which required his attention for about one-half of the time for eight years, within which period he succeeded in establishing the validity of the bonded debt of that county for four hundred thousand

dollars, voted in 1868, the interest and principal aggregating eight hundred thousand dollars when he took the matter up, in connection with Colonel D. M. Rodman, of Louisville. The debt was incurred by the county as subscription to the Elizabethtown & Paducah Railroad, later the Cheseapeake, Ohio & Southwestern and now the Illinois Central. Many other attorneys had attempted to enforce this debt and secure a levy of taxes in the county to meet the same, without avail. It was the first case in the state demonstrating the power of the United States judiciary to enforce the levy and collection of taxes in a county to meet the obligations incurred by the county in a bonded indebtedness by the agency of its own officers. The cases on record were R. H. Brown et al. versus Alex. Tinsley et al., testing the validity of the bonds; and the Citizens' National Bank of Evansville, Indiana, versus Muhlenberg county, etc., the latter case giving judgment on the test case, and the judgment was then enforced by the United States marshal with one hundred armed men. The county court made the assessment as ordered by the United States circuit judge, but the collector appointed refused to qualify or to act. A collector was finally appointed by the United States court, and having qualified he made the collection with an armed force! Subsequently arrangements were made for the regular assessment and collection of taxes sufficient to meet the debt as it matures. The winning of his cause was a most signal victory for Mr. Brown and his associate, and clearly evidenced his superior ability in the line of his chosen profession. He has been connected with much of the important litigation heard in the courts of Owensboro and Louisville, and the interests now under his protection aggregate millions of dollars.

Mr. Brown, on a number of different occasions, has been appointed to serve as special judge of the higher courts and has frequently been solicited to become a candidate for judicial office. He, however, persistently declined all honors in that direction until the winter of 1896–7, when he announced himself as a candidate for the office of judge of the circuit court of the sixth judicial district of Kentucky. He has always been a Democrat, loyal to the teachings and principles of his party. He possesses the essential qualities of a good judge, is an industrious and learned lawyer, a man of firm convictions, decision of character, sterling integrity, and splendid physical and moral courage. Should he be elected he will administer the duties of the office with fearless and impartial justice, fully sustaining the dignity and majesty of the law, wherein rests the safeguard of the nation.

In 1870 Mr. Brown was united in marriage to Miss Nancy Dorsey, of Nelson county, daughter of Dr. Washington Dorsey. She died in December, 1885, leaving four children, Horace S., Eli H., and Washington Dorsey, at home, and Sarah Ellen, who is now being educated by private tutors in Nelson county, Kentucky. Horace S. became city editor of the Louisville Daily Commercial at the age of twenty-one years, but died before his twenty-second birthday, in March, 1894. In 1888 Mr. Brown wedded Miss Elizabeth Keegan, daughter of John Keegan, one of the original city contractors and street builders of Louisville,—a well known and highly esteemed citizen. Mr. Brown is devoted to his family and finds his greatest enjoyment in his home. He was

reared in the Methodist church and is now a member of that denomination.

A man of scholarly tastes and habits, he is especially diligent as a student in his law office, is a forcible speaker and dignified in his delivery. Whether in public or private life his course commends him to the confidence of all, and the bar of Owensboro may well be proud to claim him among its representatives.

WILLIAM NORTHCUTT SWEENEY of Owensboro, was born in Liberty, Casey county, Kentucky, May 5, 1832. His grandfather, Charles Sweeney, was a native of Virginia, who emigrated to this state and settled in Casey (then Lincoln) county, where Joel Sweeney, the father of William N., was born. Joel Sweeney married Obedience Edwards, of Garrard county.

William N. Sweeney received his early education in his native town, and afterward became a student of Bethany College, West Virginia; began the study of law with his father, who was educated as a lawyer, but had practiced his profession but little, having held the office of clerk of the circuit and county courts of Casey county for forty years or more. Mr. Sweeney entered upon the practice of law in Liberty, at the same time acting as deputy clerk under his father; came to Owensboro May 4, 1853, the day before his majority, and the next year was elected county attorney, filling the office for eight years. He was elector on the Breckinridge ticket in 1860; candidate for congress in the second congressional district in 1866, and was defeated by John Young Brown, of Henderson county, for the nomination by one vote in convention; in 1868 was nominated over the late H. D. McHenry, of Ohio county, for the same office, and was elected, defeating Langley, Republican, of Henderson county; served (1869–1871) one term with distinction, but declined re-election, preferring the practice of his profession and his home life. In politics he was always a Democrat.

In January, 1854, Mr. Sweeney married Lizzie Rogers, daughter of James M. Rogers, of Owensboro, a noble Christian woman who died February 7, 1874.

Mr. Sweeney was naturally a lawyer, and celebrated among the members of the bar of the state for the rapidity and accuracy displayed in the drawing of legal documents. He liked best the civil practice, though in nearly every criminal case of note his services were deemed essential. For very many years preceding his death, however, he always refused to act as counsel for the prosecution. So high was his standing at the bar, he was nearly always employed in every important case in the courts of Daviess and the adjoining counties in which he practiced. Judged by any fair standard, he was more than a successful lawyer, he was a great lawyer. He would have achieved success in any pursuit or business, but he chose wisely when he selected the profession of law. His well ordered intellect, natural endowments and splendid literary attainments especially fitted him for the bar, and guaranteed, in advance, the splendid success and prominence that awaited him in his chosen profession. Though a man of great genius, he did not rely on this for success; he came to the bar fully appreciating that the only real and lasting triumphs to be won in that forum come as the result of diligent study and close application.

While he was well grounded in the principles of the common law when admitted to the bar, he continued through the whole of

his professional life a diligent student of those elementary principles that constitute the basis of all legal science, and this knowledge served him well in many a legal battle before the superior and the appellate courts, where he successfully conducted many important cases. He always prepared his cases with great care. If there was a close legal point involved in the issue, it was his habit to thoroughly examine every authority within his reach bearing upon the question, and this made him a most dangerous adversary. When he came to the discussion of such intricate questions before the courts, it was perhaps then his great powers as a lawyer showed to the best advantage. With a thorough knowledge of the subjects he discussed, and of the legal principles applicable to them, his addresses before the courts were models of clearness and logic. Quick to perceive and guard the dangerous phases of his case, he never failed to assault his adversary at the point where his armor was the weakest.

Although Mr. Sweeney was a great student of polite literature, poetry and the fine arts, he very seldom employed his knowledge of these subjects in his arguments before courts or juries. While his language and forms of expression were always faultless, he painted no pictures, quoted no poetry, employed no metaphors, but rather chose to use succinct argument and clear logic in dealing effective blows at the vital points in issue. It must not, however, be inferred from this that he was not a successful jury lawyer, or that he did not excel in that branch of practice. Mr. Sweeney was passionately fond of the exciting episodes and fiery passages that nearly always attend a closely contested jury trial; and here again, if he is to be judged by his success in conducting jury trials, he will rank among the best advocates of the state, for while he was not an ideal orator in the popular sense, he possessed a magnetism, a fluency of speech and an earnestness of manner that enabled him to sway juries and mold their verdicts as few men could do, and it is doubtful if any lawyer in Kentucky ever won more victories before juries than he did. His moral courage, his enthusiasm, his strong will and great power to clearly define his positions and state the facts of his case, and the law applicable to them, made him a formidable opponent in every jury trial he conducted.

It is entirely within the limits of truth to say that, all round, he was among the very best practitioners who have adorned the bar of the state. He died Sunday, April 21, 1895, in the full vigor of his splendid mental and physical manhood; and, had his years been extended, his ripe experience at the bar, added to his native ability and great learning, leave little room to doubt that still greater professional renown than had hitherto been achieved awaited him.

The social qualities of Mr. Sweeney were most delightful to those who were closest to him, and his home to the day of his death was noted for its generous hospitality. His heart was warm as summer's sunshine, and there was the sweet charm of a living, gracious spirit in the grasp of his hand, in the glance of his eye, and in the melody of his tone, as he extended greeting to a friend. His charity knew no bounds, and he was especially kind to the young and to the needy; his liberality was not confined to his family, but extended to every public and philanthropic enterprise and to the unfortunate of all classes; and to young and struggling lawyers he was particularly kind.

Whilst tender and loving, he was brave and fearless of danger where principle was involved. An incident of the late war is illustrative of this characteristic. A band of federal soldiers captured Owensboro, holding high carnival for a time, levying tribute in money, horses, buggies and stock—whatever suited the fancy of those in command. The sum of five hundred dollars was assessed against Mr. Sweeney, which he positively refused to pay. For this refusal he was arrested and sent as a prisoner to Louisville. General Jerry T. Boyle was there in command of the federal forces. Fortunately he and Mr. Sweeney had been friends from boyhood. Duly arraigned before the General, he was permitted to plead his own cause and that of his neighbors, with the result that the proceedings were promptly dismissed. He was released from custody and an order made restoring to the rightful owners the property unlawfully taken from them. Thereafter he and the community were seldom disturbed during the continuance of the war.

The home of Mr. Sweeney was a Christian home, and in the presence of such affliction as came to the household the voice of the Master was always heard speaking words of comfort. Though not a member of the church, he was a Presbyterian in faith and a constant attendant at church and prayer-meeting. We judge men as we know them and by their works. His heart was generous, and he proved his faith by his works. Conscious of his approach to the "valley of death," he entered with unfaltering steps, upheld by a firm Christian faith. He lived a noble and useful life, and when he died he left a name around which will continue to cluster the honors he so bravely and fairly won. His splendid professional achievements, his high character, the honors so freely bestowed upon him by his fellow citizens, attest his individual worth, his high mental endowments and the affectionate regard in which he was held by those who knew and appreciated him.

WILLIAM T. ELLIS, of Owensboro, was born on the 25th of July, 1845, near Knottsville, Daviess county, Kentucky. He is indebted to the common schools of his county for such educational privileges as he enjoyed. He pursued his lessons in the winter season and in the summer months devoted his time to the labors of the farm. In boyhood days — a youth of sixteen — he entered the army of the Confederacy, enlisting in the First Kentucky Cavalry regiment, with which he remained throughout the war, one of the brave young heroes whose valor equaled that of many a time-tried veteran.

Professional life proving more attractive to him than pastoral pursuits, he studied law after his military career was ended and in 1868 was admitted to the bar. He practiced only for a short time, when he determined to continue his education and joined the senior class of Harvard University in 1869. Upon his return to Owensboro in 1870 he resumed the practice of law, and in the field of jurisprudence has garnered rich harvests. The qualifications of an able jurist are his — untiring industry, keen discrimination, close reasoning, quick perception and unbiased judgment. His arguments are logical and convincing; his practice has been large and lucrative. In 1870 he was elected county attorney for a four-years' term, and was re-elected in 1874, serving in all for eight years. As a lawyer he stands prominent among the leaders of

Charles B. Rudd

the bar of western Kentucky and ranks as one of the most brilliant orators in that section of the state. In 1876 he was the presidential elector from his district on the Democratic ticket and was elected to the fifty-first, fifty-second and fifty-third congresses, serving continuously from 1889 to 1895. He was an active working member of the house, guarding the interests of his constituency with fidelity and unremitting zeal, while his devotion to the welfare of the nation was shown by his earnest advocacy of many beneficial measures. At his home in Owensboro, where he has so long resided, he is very popular, having that genial, social nature which, combined with true worth, everywhere wins friends.

CHARLES B. RUDD, of Owensboro, was born in the city which is still his home, November 13, 1873, a son of James C. and Colegate (Moore) Rudd. His mother was a daughter of James Moore, of Galveston, Texas, who for years was a prominent merchant of that locality. James C. Rudd is a native of New York and brought to his southern home the energy and enterprise so characteristic of the Empire State. He purchased extensive tracts of land in and near Owensboro and has assisted materially in the growth of the city by the liberal expenditure of his means in improvements of a public character. He was one of the promoters, stockholders and officers of the Louisville, St. Louis & Texas Railroad, secured the right of way for the same and assisted materially in its completion; in fact, his efforts alone made the building of the road possible. He also erected, at a cost of eighty-five thousand dollars, one of the most thoroughly equipped hotel buildings in Kentucky, the Rudd House, which has been an important factor in the growth of the city. He is active in every interest for the advancement of Owensboro, and is a public-spirited and progressive citizen.

Charles B. Rudd entered the public schools of Owensboro and graduated at the high school in the class of 1889. He then entered the University of Notre Dame, South Bend, Indiana, where he remained through the junior year, pursuing the English course. He then returned home and assisted his father in the management of the Rudd House, and while so engaged took up the study of law under the direction of Chapeze Wathen. After two years he entered Mr. Wathen's office, there to pursue his studies and profit by the practical experience gained in the daily contact with courts. He was admitted to the bar April 9, 1894, and immediately entered upon practice. He has been successful from the beginning, his large acquaintance and the extensive interests of his father bringing him important cases. He was but twenty-one years of age when he began practice, but he possessed earnestness and industry; is assiduous in his attention to all matters entrusted to his care, is a courteous gentleman and a careful student.

THE HENDERSON COUNTY BAR.

BY HON. HENRY F. TURNER, HENDERSON.

HENDERSON county was among the earliest divisions of the state of Kentucky, being formed in the year 1798. It has been the home of distinguished lawyers and law-makers from its earliest settlement.

The first court of general jurisdiction was held in the town of Henderson on the 22d day of July, 1799. It was organized and presided over by General Samuel Hopkins, Abram Landers and Hugh Knox. At this court William B. Blackburn and Robert Coleman were the first lawyers admitted to the bar. Blackburn was elected as the attorney for the commonwealth. There was no change in the judges until April 1, 1805, when Henry P. Broadnax was appointed the presiding judge, and with his associates, Hugh Knox and Adam Rankin, held his first court.

Judge Broadnax remained upon the bench from that time until September, 1821, when he held his last court. He was succeeded by Alney McLean, who held his first court March 25, 1822. Judge McLean presided until September, 1832, and was succeeded by Benjamin Shackelford, who held his first court March 18, 1833, and his last court March 29, 1843. Judge Shackelford was succeeded by John Calhoon, holding his first court June 26, 1843, and his last one November 21, 1845.

Owing to a change in the district, Judge Shackelford again became the judge, holding his first court June 1, 1846, and his last one April 11, 1851, having been legislated out of office by the constitution of 1850.

Judge Shackelford became a candidate, but was defeated by Henry J. Stites, who held his first court under the new constitution June 21, 1851, and his last court May 22, 1854. Becoming a candidate for the court of appeals he resigned as circuit judge, and was succeeded by John P. Cook as special judge, who held his first court May 23, 1854, and his last June 7, 1854. Collins D. Bradley was elected to fill out the unexpired term of Judge Stites and held his first court November 20, 1854, and his last November 29, 1855. He died shortly thereafter.

Jefferson Brown was elected special judge and held his first court May 27, 1856, and his last June 7, 1856. George B. Cook was then elected and held his first court December 23, 1856, and his last December 23, 1857, dying soon thereafter. Ninian E. Gray was appointed by Governor Charles S. Morehead to fill the vacancy caused by the death of Judge Cook, holding his first court June 8, 1857, and his last one July 3, 1857. Thomas C. Dabney was then elected and held his first court December 7, 1857, and his last court December 31, 1859.

John P. Cook was appointed by Governor B. Magoffin to fill a vacancy occa-

sioned by a change in the district, and held his first court June 11, 1860, and his last July 14, 1860. W. P. Fowler was elected and held his first court December 10, 1860, his last court April 4, 1868.

Benjamin P. Cissell was then elected and held his first court September 21, 1868, and his last court July 5, 1886. Judge Cissell was elected and filled three full terms. He was defeated for the fourth term by M. C. Givens, who was elected August, 1886. John T. Bunch was elected special judge during the canvass of Judges Cissel and Givens, and held his first court July 5, 1886, and his last court July 31, 1886. Judge M. C. Givens held his first court October 4, 1886, was re-elected to fill a second term in 1892, and is the present incumbent (October, 1896).

During this period of nearly one hundred years many have been members of the Henderson bar. It will not be within the scope of this article to give more than a personal mention of most of them. We will name them in the order they came into practice:

General Samuel Hopkins, W. B. Blackburn, Robert Coleman, John Bell, Christ. Tompkins, F. C. Sharp, Thomas Towles, Sr., Alney McLean, William Featherson, Richard Henderson, James Hillyer, William Wilson, Frank Walker, James A. Boies, Hiram McElroy, William Rumsey, George Morris, Edmund Hopkins, John McHenry, Archibald Dixon, Thomas Towles, Jr., Lazarus W. Powell, William Anthony, John C. Atkinson, Cornelius Burnett, William Stone, W. H. Deleno, John Haggin, James P. Breckinridge, Robert B. Lambert, John T. Bunch, H. F. Turner, F. H. Dallam, A. J. Anderson, Worden Churchill, William Sugg, Gabe Sugg, P. H. Lockett, Harvey Yeaman, W. R. Kinney, John W. Crockett, Grant Green, M. Kirby, Benjamin P. Cissell, S. B. Vance, R. T. Glass, John Y. Brown, J. H. Powell, John W. Lockett, L. W. Trafton, James F. Clay, M. Merritt, H. C. Dixon, M. Yeaman, Charles Eaves, H. H. Shouse, R. H. Cunningham, Joseph C. Dixon, J. T. Sandefer, George W. Taylor, A. T. Dudley, S. S. Sizemore, S. D. McCormick, Thomas E. Ward, R. P. Elliott, W. P. McClain, John A. Lyne, John L. Dorsey, F. L. Turner, B. T. Washington, R. G. Adams, John F. Lockett, R. D. Vance, Jacob Held, Jr., John T. Handley, G. W. Pritchett, W. B. Pentecost, F. M. Hutcheson, E. C. Ward, Paul J. Banks, H. T. Lockett, Phil B. Cheaney, W. J. Peter, S. S. Sizemore, Jr., J. M. Stanley, N. P. Taylor, E. G. Selree, Hunt McClain, W. P. Cooper, James F. Clay, Jr., Henry Fitts, and William R. Mans.

Henderson being a rich county, its courts afforded a harvest and many came and went whose names are not remembered.

Among the names we have given and who have passed to eternity, were some profound lawyers and distinguished lawmakers. The first in order of time was General Samuel Hopkins, a Virginian by birth, an officer in the Revolutionary war, and fought in the struggle for freedom in the battles of Princeton, Trenton, Monmouth, Brandywine and Germantown. In the latter he was severely wounded, after almost the entire loss of his command. He was lieutenant-colonel of the Tenth Regiment of Virginia at the siege of Charleston in 1780, and succeeded to the command of that regiment after Colonel Parker was killed.

In 1797 General Hopkins emigrated to the west and located at the "Red Banks," now the city of Henderson, Kentucky. In

1812 he led a corps of two thousand mounted men against the Indians on the Illinois river and later destroyed several Indian villages on the Wabash.

The mother of General Hopkins was a first cousin to the mother of Patrick Henry. He was a cousin to Stephen Hopkins, who signed the Declaration of Independence, and cousin to Colonel Taylor, father of President Zach Taylor. General Hopkins was the father of Captain Samuel Goode Hopkins, of the Forty-second Regiment of United States dragoons in the war of 1812. He was the grandfather of Thomas Towles, Jr., of whom we shall speak later.

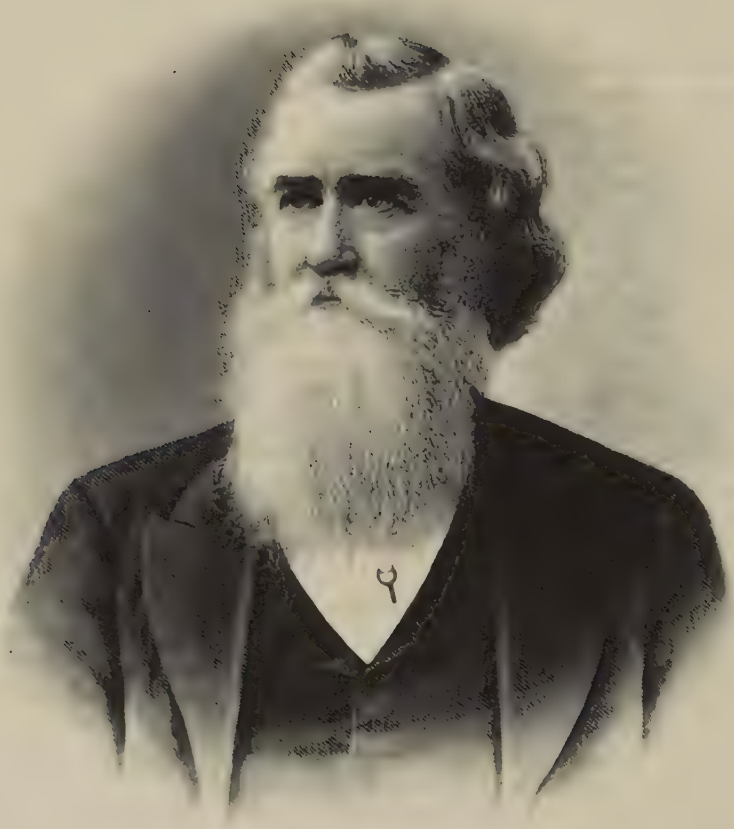
General Hopkins organized and presided as judge over the first court held in Henderson county, July 2, 1799. He served several terms in the legislature of Kentucky, and was a member of congress from this district from 1813 to 1815. He died and was buried in 1819 on his farm called Spring Garden, near the city of Henderson.

Thomas Towles was born in Spottsylvania county, Virginia, June 1, 1784, moved to Henderson county, Kentucky, in 1805, and married a daughter of General Samuel Hopkins in 1809, by whom he had one son, Thomas Towles, Jr. In 1815 Thomas Towles was nominated by President James Madison as one of the judges in and over the Illinois territory, which nomination was approved by the United States senate; and on the 2d day of March, 1816, he qualified by taking the oath of office before Ninian Edwards, governor of the territory. Judge Towles was a successful lawyer of large practice. He died December 12, 1850, in Henderson county, Kentucky.

Contemporary with Judge Towles were Richard Henderson, James Hillyer and Alney McLean,—all lawyers of distinction and full practice under Judge H. P. Broadnax. It was during the term of Judge McLean that Kentucky suffered almost a revolution in the judiciary,—in the "new-court and the old-court troubles." Henderson county had her share. It was also during his administration that Charles Buck, a land speculator, appeared, holding outstanding titles against nearly all residents in the "Henderson Grant," creating a large amount of litigation, which lasted for many years. Those who gathered the fruits were Judge Thomas Towles, James Hillyer, Archibald Dixon, Edmund Hopkins, John H. McHenry, Thomas Towles, Jr., and L. W. Powell,—all eminent lawyers. The most learned among them were Edmund Hopkins and Thomas Towles, Jr., and the most distinguished were Archibald Dixon and L. W. Powell.

Mr. Dixon was endowed with great oratorical powers, which gave him marked success as a lawyer and widespread reputation. He died on the 26th of April, 1876. Governor Dixon was one of the great men of the nation and deserves a more extended notice.

Lazarus Powell, some ten years younger than Archibald Dixon, came to the bar after the latter had already acquired an enviable reputation. In the spring of 1835 he opened a law office, and a few months later formed a partnership with Mr. Dixon, who was then in full practice. He soon took a high stand at the Henderson bar, then, as now, one of the ablest in the state. He won this position not by his oratory, but by the labor of his well-stored mind in preparing his cases for trial. He was always ready when his case was called. Throughout life he was an energetic, industrious and painstaking lawyer.



Henry F. Turner

Edmund H. Hopkins was a graduate of Transylvania University at Lexington, Kentucky, and one of the most profound lawyers of the Henderson bar. He was not a popular speaker and gave little attention to criminal practice; but in chancery and land litigation he excelled any other member of the bar.

Thomas Towles, Jr., son of Judge Thomas Towles, knew more law than any lawyer in the Green river section of Kentucky. His wonderful memory and extensive reading often enabled him to aid the court and brother lawyers on the "spur of the moment," giving them the book and page where might be found the principles involved in litigation. He was not only profound in the law, but noted for his humor and wit, which made him the most attractive member of the Henderson bar. His goodness of heart made him beloved by all who knew him. He died in Henderson county September, 1851.

Judge Alney McLean was a profound lawyer and successful practitioner, having a very large practice at the time he was appointed judge.

The new constitution (1850) created a revolution in both the statute law and practice. The statutory laws were revised and a code of pleading took the place of Chitty's Pleadings. This new system and the vacancies occasioned by deaths that occurred about this time made an opening in the Henderson bar, which was soon filled by new men. The change in the law also gave the young lawyers a chance. The old lawyers soon gave way to the younger ones.

Among the most prominent of the first to come were John T. Bunch, F. H. Dallam, H. F. Turner, P. H. Lockett, Harry Yeaman, W. R. Kinney and John W. Crockett. They were all able lawyers in full practice. Mr. Turner is the only survivor. Then came Ben P. Cissell, S. B. Vance, John Young Brown, J. H. Powell, John W. Lockett, L. W. Trafton, James F. Clay, M. Yeaman, M. Merritt, H. C. Dixon, W. P. McClain, John L. Dorsey, R. D. Vance, F. L. Turner, and John F. Lockett, all able lawyers well maintaining the reputation of the Henderson bar. Grant Green, B. P. Cissell, S. B. Vance, J. Y. Brown, L. W. Trafton, James F. Clay, M. Merritt, H. C. Dixon, John Dorsey and F. M. Hutcheson have been law-makers in the Kentucky legislature. John Young Brown and James F. Clay have represented this district in congress, John Young Brown having also been governor of Kentucky. Besides these mentioned above there are a number of young lawyers whose names are given and who make fair promises of maintaining in future years the reputation of the bar in the past.

HENRY FIELDING TURNER, who has been a most important factor in the development of Henderson, is numbered among the valued citizens of that place and ranks among the able representatives of the legal fraternity in Kentucky.

He was born in Fayette county, Kentucky, April 29, 1829, and is connected with some of the oldest and best known families in Virginia, Kentucky and the south generally. His grandfather, Lewis Elzey Turner, married Theodosia Payne, daughter of Colonel Edward Payne, in Virginia, and in 1782 removed with the Lewis and Payne families (between whom there was a relationship) to Kentucky, locating in Fayette county in its pioneer days. His

son, Fielding Lewis Turner, the father of Henry Fielding Turner, was born in Loudoun county, Virginia, but was reared in Fayette county on his father's farm. He studied law and at an early age removed to Natchez, Mississippi, where he acquired a large practice, which he turned over to his youngest brother, Edward Turner, who afterward became chief justice of Mississippi. From Natchez Fielding Lewis Turner removed to New Orleans, where he practiced law and became judge of the criminal court of Louisiana. There his fearless and just enforcement of the law brought order out of chaos and established a sense of safety where one of fear and distrust had existed. On the 21st of September, 1817, he married Caroline Augusta Sargent, daughter of Governor Winthrop Sargent, of Louisiana. Later he returned to the old Kentucky homestead in Fayette county, where he practically lived a retired life, devoting his time to agriculture and literary pursuits. He died in October, 1843, survived by four children.

The eldest son, Oscar Turner, was born February 5, 1825, in New Orleans, but was reared and educated in Kentucky, graduating in the law department of Transylvania University in 1846. He lived upon his farm in Ballard county, Kentucky, and was a successful lawyer in the first judicial district, representing the commonwealth as its attorney under the constitution of 1850. He also represented his district in congress for three successive terms, being each time elected as an independent Democrat. He died in Louisville, Kentucky, in January, 1896.

Henry Fielding Turner, like his brother, was graduated in the law department of Transylvania University, at Lexington, in 1849. He was by special act of the legislature permitted to practice before his majority, and entered upon the prosecution of his profession in the year of his graduation. He was for three years a member of the bar of Lexington, and in 1852 removed to Henderson, where he has since made his home. He is thoroughly informed in the science of legal jurisprudence, has a keen, analytical mind that has gained him marked prestige in his profession, has been very successful in his chosen work, and retained as counsel in the most important litigation in the courts of his county and state. The records of the court of appeals show his name in connection with many important cases, settling "new points" of law. His stern sense of justice is such that when he believes a client is in error he will have nothing to do with his case.

Mr. Turner has never coveted office, yet he has been the retained counsel in many of the most important enterprises of his city and county by their officials. He was the counselor of the city of Henderson for many years, and in 1867 drafted its "new city charter," incorporating new provisions which have since proved of great benefit. The city school charter was drafted by him and carried into successful operation in the face of great opposition. The school system is now one of the best in the state and the pride of Henderson.

His life has been devoted to his profession and farming; he has never sought political preferment, yet in 1894, without his solicitation, he was unanimously called by the People's party to become their candidate for congress. He made a vigorous canvass in the interests of reform principles, especially on national finance, but with no hope of election. His success is shown by the

fact that his district is now (1896) the strongest in the state for financial reform. At the state convention of the People's party in 1896, he was appointed a delegate for the state at large to the national convention afterward held at St. Louis, Missouri, which nominated Bryan and Watson for president and vice president.

After this he was selected by the Democratic and People's party committee as one of the two candidates for presidential elector for the state of Kentucky at the November election, 1896, representing the People's party. He was not an aspirant to either honor, the positions being unsolicited. He has always been a consistent and firm supporter of the political principles advocated by Jefferson.

In May, 1850, Mr. Turner was united in marriage to Miss Lucinda, the only daughter of Dr. John Slavens, of Harrodsburg, a successful physician and graduate of the medical department of Transylvania University in 1825, under Dr. Benjamin Dudley. Mr. and Mrs. Turner have had five children: Sophy, wife of William Soaper, of Henderson, now deceased; Josephine, wife of Benjamin C. Allin, of Chicago; Mary, wife of William W. Shelby, of Henderson; Fielding Lewis Turner, who was graduated in the law department of Union University, of New York, in 1876, and engaged in the practice in Henderson for a few years, but is now an extensive farmer in Ballard county, Kentucky; and Lucy, wife of Chapman T. Blackwell, of Henderson. There are now a number of grandchildren who add happiness to the old family homestead.

Mr. Turner joined the Christian church at an early age; his wife and children are members of the Protestant Episcopal church. In 1849 he became a member of the Masonic fraternity, was made a Knight Templar in Webb Encampment, in Lexington, in May, 1850, and was master of Good Samaritan Lodge, in 1852.

Mr. Turner is a man of domestic tastes who finds his greatest enjoyment in his home, where he is surrounded by his family and friends, to whom he delights to extend the warm-hearted hospitality so characteristic of the southern mansion. He is himself a true type of the chivalrous, aristocratic old southern gentlemen whom all delight to honor. He resides upon his farm adjoining the city limits of Henderson, and is devoted to agricultural and horticultural pursuits, which he makes his source of recreation. The old place has been his home for over forty years, and each tree and flower there is to him a familiar and loved friend.

LAZARUS W. POWELL, of Henderson, jurist, United States senator and governor of Kentucky, was born in Henderson county, October 6, 1812, and died in the city of Henderson, July 3, 1867. He was the contemporary of Henry Clay, Robert Wickliffe and others who have made the bar of the state famous, and on the roll of Kentucky's eminent lawyers his name is also deeply engraved. His father was Captain Lazarus Powell, who located on a large tract of land in Henderson county in 1800. His mother, Mrs. Ann Powell, was a daughter of Captain James McMahon, of Henderson county, a soldier in the war of 1812, who served with Kentucky's volunteers.

Lazarus W. Powell early exhibited those traits of character which in his later life caused him to be so loved and honored wherever he was known. He availed him-

self assiduously of the meager privileges for education afforded in the early days, attending the primary school taught by McEwell Wilson in the village of Henderson, later becoming a pupil of George Gayle, a gentleman of rare talent and ability as a teacher. Mr. Powell acquired a fair academic education and determined upon the practice of law as a life work. To this end he sought to enter upon legal studies at the age of eighteen, but was dissuaded from so doing and advised to first secure the advantages of a college education. With the assistance of Hon. Philip Thompson, of Owensboro, a distinguished lawyer of that day, and of Hon. John Rowan, of Bardstown, he visited St. Joseph's College in September, 1830, and arranged for the completion of his literary education in that institution. Stimulated by the desire of speedily entering on his chosen profession, he finished the course in three years, 1830–3, and was graduated with honor. He then entered the office of Hon. John Rowan to study law and brought to his pursuit the same eagerness, application and industry which had distinguished his work in college. He was fortunate in having for his preceptor one of the master minds of the day, for Judge Rowan was not only a well-read lawyer, but a profound scholar of rare intellect. His diction was always elegant and his speech without seeming effort. At Bardstown Mr. Powell was in the courts where such men as Hon. Ben Hardin, Hon. Charles A. Wickliffe and Benjamin Chapeze were in active practice, and there he learned to contrast their powers, note their great strength and subject their arguments to the test of his own reason and thus to distinguish between logic and sophistry. He learned, too, under the inspiration of their impassioned eloquence, how to touch the hearts of the people, how to win their confidence and respect.

The deep interest manifested by his preceptor and those with whom he associated in the political issues of the day naturally awakened Mr. Powell's interest in the same questions and eventually led him to take part in the business of legislation. He remained with Judge Rowan until the winter of 1834–5, when he entered the law department of Transylvania University, where he received instruction from Hon. George Robertson and Hon. Daniel Mayes, the former regarded as the most profound legal theorist of the state and his reputation being as wide as the country. At Lexington Mr. Powell diligently prosecuted his studies and familiarized himself with the practical part of his profession by attendance upon the proceedings of the courts of that city, where he became acquainted with the methods of such eminent jurists as Henry Clay, Robert Wickliffe, Judge Thomas W. Hickey, A. K. Wooley, Charlton Hunt, James Cowan and M. C. Johnson, active practitioners at the bar. In 1835 he returned to Henderson county and began the practice of law, entering upon a successful career. A few months later he became associated with Archibald Dixon, later United States senator, which relationship was continued until 1839. Mr. Powell's high reputation as a lawyer was built upon his careful analysis of causes. He invariably prepared his cases with thoroughness and entered the court room ready to meet every possible objection that might be raised by the opposing counsel, whether it concerned the law bearing on the case or previous judicial decisions. His address, either to the court or jury, was always forcible and often eloquent.

His political career was alike able and

honorable. In July, 1836, on the earnest solicitation of friends, he became the nominee of the Democratic party for state representative, and although Henderson county was considered a stronghold of the Whig party he made a thorough canvass and was elected, much to the surprise of his opponent. He gave careful attention to his legislative duties and labored earnestly for the best interests of the state. In 1838 he was renominated, but failed of election. In 1844 he was nominated "district elector" and canvassed his own and adjoining districts in support of James K. Polk for president of the United States. This canvass brought him prominently before the people of western Kentucky and laid the foundation of that personal popularity which enabled him later to serve his party in more important positions. In the spring of 1848 he was nominated by the Democracy for governor, his opponent being the distinguished J. J. Crittenden, then United States senator from Kentucky. Mr. Powell made a personal canvass of the state, memorable as foreshadowing the downfall of Whig supremacy in Kentucky. The Democratic political creed was made known and defined; the constitution, the great charter of the people's liberties, was the text upon which he and his associates in the canvass based their right to a hearing and their appeal to the reason of those whom they addressed. The canvass was a substantial triumph, though it ended in the defeat of the constitutional party.

In 1851 Mr. Powell was again made the standard-bearer of the Democracy, and his opponent for gubernatorial honors was Hon. Archibald Dixon, a resident of Henderson and a life-long friend of Mr. Powell,—at one time indeed his law partner. They made a joint canvass of the state, traveled together, stopping at the same hotels and eating at the same table and speaking from the same platform. They exhibited toward each other a cordiality of demeanor and friendly spirit rarely witnessed between political antagonists. Mr. Powell was elected by a small majority, while Hon. Robert H. Wickliffe, the candidate for lieutenant governor on the same ticket, was defeated by the Hon. John P. Thompson by several thousand votes. He was inaugurated governor of Kentucky, September 5, 1851, and although the legislature was largely composed of Whigs he so conducted the affairs of his great office—his course being characterized by the most sincere fidelity to the interests of the commonwealth—that the most exacting of his political opponents acknowledged that his entire policy was conceived and carried out with reference to the vast responsibilities that rested upon him as the chief executive of the state.

In 1858 he was appointed by the president of the United States, James Buchanan, one of two commissioners to proceed to Utah and arrange for a peaceful submission of the people of that territory to governmental authority, which work was successfully accomplished. In 1859 he was elected to the United States senate for the full term of six years, and served throughout the period of the war, closing his official career in 1865. He entered the senate at a time of great political excitement. In both houses congress was largely ruled by fanaticism or passion; the seeds of suspicion and hatred were sown broadcast over the whole land, and few men could calmly view the situation or discuss with fairness the questions of the time. Mr. Powell was peculiarly situated. He was a strict interpreter of the

constitution, a strong supporter of the Union, but was opposed to coercion. His was a unique position throughout his term in the United States senate. Believing strongly in the supremacy of the national government, he was at the same time able to judge of affairs at the south with greater fairness and exactness than northern statesmen, who knew little of the situation in the disputed territory save from exaggerated reports which swept over the land. In July, 1861, Mr. Powell delivered a very strong address against the suspension of the writ of habeas corpus, and in January, 1862, spoke on the "resolutions of inquiry" in regard to the arrest and detention of certain citizens of Delaware, denouncing such arrests as a subversion of all constitutional rights. In February, 1862, he was called upon to defend himself on the floor of the senate against a resolution charging him with disloyalty, which was prepared by his colleague in the senate, Garrett Davis, but presented by the senator from Minnesota. In a speech, the most elaborate, logical and eloquent of his life, he conclusively established the loyalty of his public acts, the consistency and constitutionality of his opposition to the war, and overwhelmed his enemies with defeat. This address gained him a national reputation and endeared him to the friends of liberty all over the land. On the 5th of January, 1863, Senator Powell introduced into the senate a resolution in reference to General Grant's manifesto issued on the 17th of December, 1862, by which Jews as a class were expelled from the department of the Tennessee, and made an appeal for constitutional liberty and human privileges, and in the same speech arraigned the government for its interference, through the military forces, with the free exercise of the right of franchise in Kentucky. In 1864 he opposed the constitutional amendment looking to the freeing of slaves. He withdrew from the contest for re-election to the senate in a letter to the public that breathed a spirit of true patriotism. His political integrity was without blemish and his public career one of singular unity and consistency.

On the 8th of November, 1837, Mr. Powell married Miss Harriett Ann Jennings, daughter of Captain Charles Jennings. Her death occurred July 30, 1846, and her husband afterward devoted himself to his children with untiring care and attention. Three sons survived him at his death,—James Henry, Charles Jennings and Richard.

Lazarus W. Powell was a most genial gentleman, always true to his principles and his friends, ever ready to forgive those who had done him injury, such was his magnanimous spirit. He was very sympathetic in the presence of human misery and bereavement and to the poor he was a liberal benefactor. He was of fine personal appearance, above medium height, was well proportioned, with a broad, noble forehead that gave evidence of the exalted ideas which guided him in all his actions. Although he never allied himself with any church he was a believer in the Bible and familiar with the contents of the sacred volume. His life was pure, true and upright in all things, and when death came he departed from the scene of his earthly activity as one who

> "Wraps the drapery of his couch
> About him and lies down to pleasant dreams."

James Henry Powell, orator, lecturer and lawyer, and son of Lazarus W. Powell, was born in Henderson county, Kentucky, on the 8th of April, 1839. He was provided with excellent educational privileges, attending the best private schools of his native

county, after which he continued his studies in the Sayre Institute, at Frankfort, where he remained for five years. His collegiate course was obtained in the University of Virginia, where he remained three years, being graduated with honor in the class of 1859. He seemed instinctively to turn to the profession of law, and surely he was intended by nature for this calling, his splendid oratorical gifts and strong, analytical and comprehensive mind ably fitting him for law practice. He began study in his father's office and after six months was admitted to the bar.

From the beginning of his career as a legal practitioner his efforts have been attended with success. He has mastered the science of jurisprudence, and his deep research and thorough preparation of every case committed to his care enables him to meet at once any contingency that may arise. His cause is fenced about with unanswerable logic and his arguments are strong, clear, decided and follow each other in natural sequence, forming a chain of reasoning that his opponent finds very difficult to overthrow. His delivery is graceful, his voice clear and ringing, and his eloquence carries all before it; it is not the adornment of words or flowery phrases, which often obscure the thought, but the eloquence born of the occasion and inspired by a sense of true justice of human rights and liberties.

On the 21st of October, 1862, Mr. Powell was united in marriage to Miss Mary Ann Alves, second daughter of Robert A. and Mary (Gayle) Alves, a lady of culture and refinement, and they have had seven children, namely: Robert A., Lazarus W., Henry J., John W. Stevenson, Johnston Alves, Harriett Jennings and William Gayle.

For several years after his marriage Mr. Powell gave his attention exclusively to his law business and then entered the lecture field, where for some time he labored in the interests of temperance alone. His logic, his earnest, impassioned utterances and his convincing arguments made him an able champion and he was recognized as one of the strongest advocates of that noble cause among those who are devoting their lives to its advancement. Later he prepared and delivered other lectures of high literary merit on various subjects, traveling throughout the greater part of the United States and Canada and receiving high enconiums from the people wherever he went. Humor and pathos, wit and drollery have attracted his hearers, swaying them with the emotions which he portrays until tears of one moment are chased away by the smiles of the next. He is master of the art of rhetoric and his broadly cultured mind is a vast storehouse upon which he draws without seeming exhaustion of its contents. He closed his career on the lecture platform with his work in behalf of the Lee Monument Association, under the authority of the governor of Virginia, and upon his return home once more took up the practice of law.

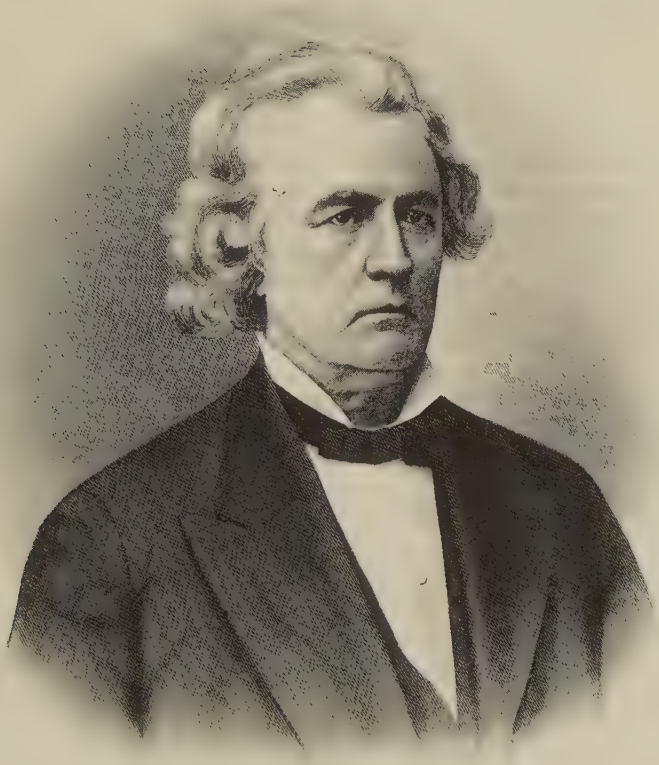
Mr. Powell served for two terms as prosecuting attorney for the city and was then elected county attorney, also serving in that capacity for two terms. In 1880 he was elected commonwealth's attorney for the third judicial district of Kentucky; on the expiration of his six-years term was re-elected, and again in 1892 was the choice of the people for a third term in that office. What higher testimonial of his fidelity to duty could be given than this second re-election, whereby he will have been retained in the office for eighteen years? With a keen appreciation of the dignity of the law,

and with the knowledge that justice is largely in his hands, making him the protector of the lives and liberties of his fellowmen, he defends the right with an earnestness and courage that challenges the admiration of all. Though he meets in forensic combat the ablest members of the bar of the district, he has won their highest respect and confidence by his extreme fairness. He cares not for the laurels, if they must be won by debasing himself, debauching public morality or degrading the dignity of his profession, but stands as the defender of the weak against the strong, the right against the wrong, the just against the unjust. Connected with many important cases, he has gained a reputation as a brilliant and learned lawyer which ranks him among the best in the state. Among his many fine addresses in the courts perhaps none attracted more attention than that in which he conducted the prosecution of the murderer of Abbie Olliver. The court-room was crowded to its utmost capacity, until by order of the judge the doors were closed. A local paper, in writing of the event, said: "His clear, silvery voice filled the auditorium with a flood of eloquence, and in the packed court-room every ear hung upon his words as they came rushing like a torrent from his gifted tongue. His invective was scathing in the extreme, and he handled the evidence as only a master can, while his reference to the poor murdered girl was such a commingling of beauty and pathos that stout-hearted, brave men shed tears. Such was the effect of the speech that it was impossible to suppress the applause, which shook the building."

Although not an active politician in the sense of office-seeking, Mr. Powell has done effective service in the interests of Democracy and warmly defends its principles. He has been frequently urged to become the candidate of his party in the second congressional district, but prefers to serve his fellow townsmen at home in the line of his chosen profession. He is an esteemed member of the Masonic, Odd Fellows and Knights of Pythias fraternities, and has delivered lectures throughout the country in behalf of the last named organization. Mr. Powell is a very popular citizen, his honorable life and commendable characteristics, combined with a genial, kindly manner having won him a host of warm friends. He has won a national reputation as an orator, yet in manner is unostentatious and easily approached by the humblest of the land.

Of James H. Powell's family the only one following the law is John Stevenson Powell, who was born in Henderson county, Kentucky, on the 5th of June, 1868. He was named in honor of John W. Stevenson, of Covington, a warm personal friend of his grandfather, Lazarus W. Powell. He was educated in the public and private schools of Henderson and entered upon his business career as deputy in the office of the clerk of the county court, where he remained for three years. He afterward served for two years as deputy sheriff, and then took up the study of law, which was the chosen profession of his family for several generations. He is now in the office of Judge John L. Dorsey, of Henderson. In politics he is a Democrat. He is a charter member of Henderson Lodge, No. 206, B. P. O. E., and attends St. Paul's Episcopal church.

ARCHIBALD DIXON.—In proportion to the number of inhabitants, no state or country has produced more great law-



Arch Dixon

yers, orators and statesmen than Kentucky. Among the greatest of these was Archibald Dixon, who was born in Caswell county, North Carolina, April 2, 1802, and came to Henderson county, Kentucky, with his father, Captain Wynn Dixon, when three years of age, where he lived up to the time of his death, on the 23d of April, 1876.

In 1802 this part of Kentucky was almost a wilderness, and for many years afforded but scanty educational advantages. These were all, however, that Mr. Dixon had, except what he obtained from the reading of the best authors. For, though through the days he plowed the fields or hunted the wild deer, rode races with his young companions or skated for miles over the great flats, his evenings were spent in reading aloud to his mother and sisters. Pope and Milton, Addison and Steele, and, greatest of all in his affections, Shakespeare, were his boyhood's familiar friends.

At twenty years of age he began the study of law, in the town of Henderson, with James Hillyer, an excellent lawyer. At twenty-two he was admitted to the bar, and speedily took the highest rank among his associates. In the surrounding counties of Kentucky and Indiana he took a leading part in the most important cases. He was distinguished for learning and native talent, and for zeal and fidelity to his clients. He never appeared for the prosecution in criminal cases, and within the bounds of honorable practice no man did more to win the causes entrusted to his management. His success was great, and for that day and country he amassed a handsome fortune from his professional labors. As an advocate he was pre-eminent, and his fame was wide-spread.

In that day the successful lawyer was quite certain to be drawn into politics, and there was less incompatibility in the position of lawyer and politician than there is now. The successful lawyer of this day has little time for politics, and the successful politician little time for the mastery of the law. It is now impossible for a man to rise to the height in both the legal profession and in statecraft which was attained in this country prior to the Civil war.

In 1830 Mr. Dixon was elected by the Whig party to represent his county in the lower house of the legislature. As seemed natural with him, he became prominent in that body; and it was while a member of it that he presented a bill for the better protection of married women which was afterward adopted into the legislation of the state. He also proposed the building of the Nashville railroad. In 1836 he was elected state senator from the counties of Henderson, Hopkins and Daviess, and served until 1840. By this time he was acknowledged throughout the state as a leader, and in 1844 he was chosen by his party as candidate for lieutenant governor on the ticket with Judge Owsley. The Democratic candidate opposing him was William S. Pilcher, of Louisville, a most eloquent and able lawyer. Owsley and Dixon were elected, Dixon's majority exceeding that of Governor Owsley by about seven thousand votes. During this term of office he was urged as candidate for governor at the next election, in 1848; but a faction of the Whig party (the "Owsley faction" it was called) had never forgiven him for the superior race he had made in 1844, and they opposed his nomination, offering Jordan Graves, of Louisville, as their candidate before the convention. The contest was a heated one. Mr. Graves' friends would not yield, though they num-

bered not over a fifth or perhaps a sixth part of the convention, yet, pending General Taylor's candidacy for the presidency any division in the Whig party of his own state would have been dangerous to his election, perhaps even disastrous.

Recognizing this fact, and acting, as he always did, from the highest motives of patriotism, Mr. Dixon persuaded his friends to withdraw his name on condition that Mr. Graves' name should also be withdrawn. Mr. Crittenden then was unanimously nominated, and the Whigs, united and confident, carried the state,—their last triumph as a party in Kentucky, their last triumph as a party in a national election.

The great Clay was then the leading spirit in Kentucky, and in many respects the greatest political chieftain of all ages. A new constitution for the state was to be made, and in February of 1849 he published a letter advocating the gradual emancipation of the slaves, but making their deportation a *sine-qua-non* of his plan. This letter aroused intense feeling against Mr. Clay (then just elected to the senate), and as a consequence more Democrats than Whigs were elected to the convention, the Whigs, many of them, now turning their backs on Mr. Clay forever and joining the ranks of the Democratic party under the name of "Guthrie Whigs."

Mr. Dixon was chosen as the delegate from Henderson county to the constitutional convention, which met in Frankfort, October 1, 1849. He was nominated by the Whigs as president of the convention, and James Guthrie by the Democrats. Mr. Guthrie was elected by a strict party vote, having seven majority, thus demonstrating that the Whig ascendency in Kentucky was on the wane.

There was not in the convention a greater man than Dixon, and none impressed his views more strongly upon the constitution which resulted from their labors. The published debates show that he was a master spirit in that body.

Devoted as Mr. Dixon was to Mr. Clay, both personally and politically, he yet differed from him, *in toto*, as regarded emancipation. The deportation of the negroes, as proposed by Mr. Clay, he believed to be entirely impractical, and even if it could be carried out he thought it would be extremely cruel to them. Emancipation without deportation, of course, was not to be considered, and he believed the agitation of the question at all to be both impolitic and dangerous.

Early in the session of the convention Squire Turner offered some resolutions looking to the emancipation of the slaves in Kentucky. In a speech upon them, Mr. Dixon said:

"I would, if I had the power, make all mankind free; I would have no such thing as slavery or inequality; I would have equal rights measured out to all; but in the formation of civil institutions for the government of man we are to look at the condition of things as they are; we are to adapt the laws to the condition of those to be governed. It is a question of grave importance whether or not slavery, as it exists in Kentucky, is not better for the slave and the master. * * * In view of all the circumstances around it, of the relation of the slave to his master, of the peculiar organization of the two races, the utter impossibility that the one can rise to an equality in the scale of morality and dignity with the other, the fact that the slave, whether you call him freeman or not, is still but a slave, the wretched off-cast slave, —I

say it becomes a question of grave importance to Kentucky whether it is not a blessing alike to the slave and the white man that he is a slave." (Page 82, Debates, Kentucky Convention.)

On the 15th of October he offered the resolution that "this convention has not the right, by any principle it may incorporate in the constitution of the state, to deprive the citizen of his property without his consent, unless it be for the public good, and then only by making to him a just compensation therefor." (Page 130, Debates, Kentucky Convention.)

He supported this resolution by a speech of surpassing eloquence and power, and its principle was incorporated fully into the constitution.

He not only opposed emancipation by the convention, but also all manner of proscription because of religion, and favored giving full rights to naturalized citizens. He was in favor of an elective judiciary, but insisted that the judges ought to preside in districts other than those from which they were elected, and that their salaries should be raised so as to yield them an ample support.

The constitution was ratified by the people in 1850, and the first election for governor under it was to be held in August, 1851.

Mr. Clay's emancipation views had given life to the embryo emancipation party of the state, and there had been various candidates among them for the convention of '49, though only three of them were elected. Then the stormy conflict of 1850 came on during which the sentiments of the people became more accentuated on either the one side or the other. It was finally quieted by the adoption of the "compromise of 1850," by which congress agreed to admit California as a state with her constitution prohibiting slavery, although she had never had any territorial organization, and one-half her territory lay south of the line of 36 degrees and 30 minutes; thus ignoring that geographical line, and admitting her right to make herself a constitution without any previous permission from congress; and organized New Mexico and Utah without any restrictions, and with the agreement that they should, when qualified for admission, be allowed to come into the Union with or without slavery, as they preferred. The principle of non-intervention was then discussed at great length, and was agreed on by Clay and Webster, Whigs, and Douglas and Cass, Democrats, the ablest men in congress of their respective parties, as the only way out of the sectional difficulties that threatened the country in the organization of the territory acquired from Mexico in the treaty of 1848. They regarded it as the just way, and in this they were supported by the best men of all parties.

When the Whigs of Kentucky — weakened as they were by the defection, on the one hand, of extreme pro-slavery Whigs to the Democracy, and on the other, of emancipation Whigs by the thousands to a candidate of their own — looked around for a leader who could best concentrate the vote of his party in the coming race for governor, they selected Mr. Dixon as being personally the most popular Whig in the state, and, as they believed, the best calculated to bring together all of its discordant elements. Dixon himself was satisfied that his course in the convention would prevent his election, and he issued an address in which he positively declined to become a candidate for the office, and urged his party to select

some one "who could be elected, as not having been so decided in his opposition to the views of many of the Whigs as he himself had been."

Notwithstanding his positive declination the Whig convention proceeded to nominate him for governor, with John B. Thompson as lieutenant-governor. The party demanded of Dixon that he should lead it in the gubernatorial contest, and he did so, though feeling that it was a "forlorn hope" he was leading, and made a memorable canvass of the state on the Whig platform, which endorsed the compromise of 1850, with its leading principle of non-intervention by congress with slavery in the states or territories, and which he sustained with marked ability and all the earnestness of his convictions, which were that congress had no more right to force slavery upon California than Kentucky's convention had had to force emancipation upon her people.

Lazarus W. Powell, his bosom friend and fellow townsman, was the Democratic candidate, and Cassius M. Clay, a noted Abolitionist, the emancipation candidate. Powell was a man of fine character and genial manners, and perhaps the ablest and most popular Democrat in the state. This party was united, enthusiastic, and confident, from the divisions among the Whigs, of winning the election, which they did by a small majority,—about 850 votes. The six thousand and five hundred emancipation votes were nearly all taken from the Whig party, and about half of these were given for their candidate, the other half remaining neutral.

The canvass was a most excited one, and it is honorable to both Dixon and Powell that their personal friendship was not shaken by the heated conflict, but continued through life. It is a notable fact that Mr. Dixon's majority was greater than that of Mr. Thompson, or various of the Whig candidates for congress in their own districts, evidencing that his party did not miscalculate his personal popularity, when it required of him to throw himself "into the imminent deadly breach" and save it from defeat if possible to do so.

Mr. Clay's long course in public life was at this time drawing to a close. In December, 1851, on account of failing health, he resigned his seat in the senate to take effect in September of 1852. The legislature at once elected Mr. Dixon to fill out his term, and on the 20th of December, 1852, he was sworn in and took his seat. The whole Democratic influence had been exerted to keep him out of it, as Governor Powell had of course appointed a Democrat, Governor Meriwether, to fill the vacancy caused by Mr. Clay's death in the June preceding the time when his resignation should take effect; and the Democracy wished, if possible, to secure the seat for one of their own party, —an injustice to which Governor Meriwether never lent himself for a moment.

When Mr. Dixon went to Washington, early in December of 1852, he was still suffering from an almost fatal attack of cholera in the September previous, and was so feeble during the winter that he could take but little part in the legislation, and his physician, Dr. Hall, ordered him to the south early in the month of February. Consequently he was not in Washington when Mr. Douglas reported his Nebraska bill on February 19, 1853, and which was tabled by the senate on the 3d of March in the small hours of the morning.

Stephen A. Douglas, as chairman of the committee on territories, had for eight years

brought in bill after bill to organize the great territory of Nebraska, his first effort being made immediately after the annexation of Texas as a slave state in 1845, and doubtless intending Nebraska as an offset to that immense state "over which a bird could not fly in a week," as it was said. Mr. Douglas had failed in all his attempts to organize the Nebraska territory for the simple reason that no southern man was willing to increase the political voting power of the northern majority by giving them additional states, as they well understood that whenever the northern section could acquire two-thirds of the votes in congress and three-fourths of the legislatures of the states, an amendment to the constitution could be legally and constitutionally made by which their slaves might be set free, without deportation, without compensation, and on whatever terms the majority might choose to dictate. When it is recalled that the southern people had the most utter and unconquerable aversion to having their slaves set free in their midst; when it is recalled that the Abolitionists had steadily opposed all colonization of the negro race, and had defeated all schemes for taking them to Liberia; when it is recalled that one of the first proclamations of one of the first Abolition societies had declared their purpose to be, not only to free the slaves but also "never to sheath the sword until the slave, fearless and free, shall till the land of his thraldom, enriched with the blood of his master;" and when it is remembered that this party, with these views, had attained to such proportions in the north as to have, in 1852, disintegrated utterly and forever the great Whig party of the Union, it is scarcely to be wondered at that southern men had steadily refused to organize a new territory which, under the act of 1820 prohibiting slavery north of the line of thirty-six degrees and thirty minutes, would inevitably fall into the hands of their sectional opponents and increase their political power to an extent which almost surely meant their own ruin as a people, both financially and in the upheaval of elements most dangerous when not controlled, though useful and profitable when kept under proper control.

In the progress of the years, however, the opening of the Nebraska territory had become very important as a means of securing a safe transit across to the Pacific possessions of the United States, and which could never be secured so long as that territory was unorganized and in possession of wild and hostile tribes of Indians. In December of 1853, therefore, Mr. Douglas proposed another Nebraska bill with provisions that he hoped would be satisfactory to all parties, as follows: "That all questions pertaining to slavery in the territories and the new states to be formed thereof are to be left to the decision of the people residing therein, through their appropriate representatives" (Senate Report, 1853).

This bill was evidently intended by Douglas to be in full accordance with, and was in the exact language of, the legislation of 1850, which had been accepted and endorsed by the south as well as the north, of which he was the real author; and upon the doctrine of which—non-intervention—the Democracy had swept the country in the election of Franklin Pierce in 1852. But he overlooked one all important point of difference between the territory acquired from Mexico and the Nebraska territory,—which was, that while congress had expressly refrained from any intervention with the question of slavery

in the Mexican territory, and had been endorsed by the whole country in that position, yet in the Nebraska territory an *act of intervention by congress already existed*,—an act which, whilst in operation, would effectually annul the principle of non-intervention; an act which would by excluding his slave property, practically exclude every slave-holder from its borders during its territorial condition. So, what benefit could the south receive from Mr. Douglas's provision when long before the time for admission as states the territory would be held exclusively by men whose first action would be adverse to the interests of the men of the southern states?

Non-intervention in 1850, as to the existing laws of Mexico, meant self-government to its inhabitants already occupying the country; whilst non-intervention now, as to the act of 1820, would really mean intervention, would mean simply the deprivation to the citizens of the southern section, practically, of all property or right in the Nebraska territory, and its appropriation by the northern section solely to the exclusion of the southerners, who felt it not only a wrong but also an indignity to be so excluded. Not only this, but the failure to remove this act of intervention would be a direct violation of the principle of self-government as established in the measures of 1850, and for which Mr. Dixon had battled so gallantly in his own state in 1851. Moreover, it would be a violation of the principle of equality between the states, which was a most vital part of the constitution itself.

Mr. Dixon's keen legal acumen made it impossible for him not to discern the deficiency in this bill, apparently so fair; and, with the bold directness of purpose which characterized him, he determined to propose the absolute repeal of the law of intervention, the prohibitory section of the act of 1820 (miscalled the "Missouri compromise"), so as to leave the new territory open to the south equally with the north, and then let climate, soil and natural emigration determine the character of the settlers therein, who should decide for themselves all "questions pertaining to slavery."

He knew the nature of the Missouri compromise; understood the character of the act of 1820; he knew that it was an unconstitutional act,—that congress had no rightful power to take away the rights of the citizens of one section of territory in order to bestow it on the citizens of another section exclusively, when each and every citizen of every section had an equal and common right in the whole territory; he knew that there was really no "compromise" in the matter, and that it was, instead, a surrender by the south of her property rights in the territory in order to obtain the peaceful entrance of Missouri into the Union,—an entrance to which she was entitled without any such conditions, by the constitution, by the terms of the treaty of purchase with Napoleon; and by that principle of equality between the states for which Henry Clay had contended so vigorously during the two sessions previous to the passage of the act, and at the close of which one-half of the southern members yielded to the pressure of their love for the Union and dread of a civil war, and voted for the amendment of Mr. Thomas, of Illinois, by which Missouri was admitted to the Union on an equality with the original states, and slavery forever prohibited in all the other territory north of thirty-six degrees and thirty minutes, then belonging to the United States. He knew that it was not a "com-

pact" between north and south, for congress had no power to make any compact as between different sections of the country, and, even if it had, the refusal of one-half of the most distinguished congressmen of the south to vote for this act would have deprived it of any feature of compact between north and south.

Nor did northern men then acknowledge it to be such. Mr. Dixon knew that within a year from the passage of the act of 1820 the northern majority had refused to fulfill one of its provisions,—had refused admission to Missouri on the pretext of a clause in her constitution requiring her legislature to enact laws for the keeping out of free negroes from her borders (which was a mere pretext, as nearly every state in the north had laws for the same purpose, only more severe) and had thus violated one of the provisions of the act which they had passed less than a year before, and which their leaders chose afterward to claim as a "sacred compact." He knew that Missouri had been admitted only after months of refusal, her representatives being meantime kept out of congress; and then, after the proposition by Mr. William Brown, of Kentucky, to repeal the whole act, then only, under the fear of losing all that great territory, would the northern majority listen to and vote for Mr. Clay's proposition that the legislature of Missouri shall pass "a solemn public act" by which they would agree never to pass any law that would conflict with the constitution of the United States; it being contended that the free-negro clause was in violation of the rights of citizens of the United States, when in reality free negroes were not recognized as citizens in a single state of the Union, being subject everywhere to disabilities which could not have been imposed upon a citizen; and when, also, the simple fact of Missouri's admission would have annulled any provision of her constitution which might be in conflict with that of the United States.

Mr. Dixon knew all the facts. He knew that the act of 1820 was never a "compact," but only an act of congress which another congress might repeal; that, unjust as it was, the south had submitted to it only from her devoted love for the Union which she had helped so largely to create; he knew that the line of thirty-six degrees and thirty minutes had been rejected by congress repeatedly, as to the Mexican territory; he knew that, in 1850, both Democrats and Whigs had agreed upon the principle of non-intervention as the only just and practicable principle for the settlement of sectional difficulties, and as greatly preferable to any geographical line whatever; and that it had been accepted by congress as such. He believed that the principle of non-intervention, being the right principle and so acknowledged by congress, having been accepted and applied in the case of California, as of New Mexico and Utah, should now be applied to Nebraska; otherwise, it was not a principle at all, but only a makeshift, an expedient. He knew that the principle could not be honestly carried out without the removal of the act of intervention.

He believed in the justice of the northern people; he believed, from the election of Franklin Pierce with his known antecedents, and on the platform of non-intervention, that they would now be willing to do that justice to the south which Mr. Clay had declared in 1850 to be her due, but not possible of attainment. He believed in the patriotism of the north, and that the intelligence of the many would control the folly

and fanaticism of the few. He felt that to allow such a pretense and sham of non-intervention to take the place of that broad reality for which he had contended with all his might in his own state, in 1851, would be to stultify himself; it would be accepting the shadow for the substance and sacrificing the very principle to the support of which he had pledged himself. Justice, good faith and fealty to this great principle demanded of him to see it fairly carried out in reality; that congress should not, as he quoted, "keep the word of promise to the ear and break it to the hope." He felt that it was not just or fair to sustain the principle of non-intervention when it admitted California as a free state and then refuse to carry out that same principle because it might give the south an equal opportunity to obtain for herself some new states to which she might send the great yearly increase of her slaves, which, under the humane system of slavery existing in the south, threatened such a black tide of population as could not be supported within the area of the fifteen slave states.

Mr. Dixon also believed that it would be better for the peace of the country that the question be left entirely to the people of the territories; for he saw, what was patent to any observer, that Washington city, nay, the very capitol itself, was fast becoming the center and hotbed of sectional hatred and dislike; the radicals of the northern section declaring they would not live in the Union with slave-holders; the radicals of the southern section declaring they would prefer disunion to abolition,—the enmity growing each day, and interchange of courtesies more scant. Seeing all these things he believed, if the whole question should be remanded to the territories, and they be thrown open to all the people alike, that not only would justice be done on all sides, but, also the question being removed entirely from the action of congress, all irritation would pass away. That he was not mistaken in this supposition was evidenced in the triumphant election of Buchanan, in 1856, on the Kansas-Nebraska platform, which embraced the repeal, in 1854, of the prohibitory section of the act of 1820 as a part of its great principle of non-intervention,—and the violation of which principle, in his attempt to force a pro-slavery constitution upon the people of Kansas, by Mr. Buchanan, was unquestionably what really brought on the war between the states in 1861.

Mr. Dixon consulted no one, asked no advice in regard to his motion for the repeal. A bold and original thinker, accustomed to lead and command by force of indomitable will, superior intellect, and dauntless courage; a life-long Whig, a devoted Unionist, and a strict believer in the equality of the states,—he saw clearly what was due to that principle of equality as well as to the great principles of self-government embraced in the acts of 1850, which embodied non-intervention as their basis; and he consulted no one previous to the writing out of his amendment. On Sunday evening he dictated it to his amanuensis, copied it himself, perhaps the next morning, and, after showing it to his friend, Governor Jones, of Tennessee, before going to the capitol, he on the same morning, Monday, January 16, 1854, had it read out to the senate, as follows;

Sec. 22. And be it further enacted that so much of the eighth section of an act approved March 6, 1820, entitled "An act to authorize the people of the Missouri terri-

tory to form a constitution and state government and for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories," as declares "that in all that territory ceded by France to the United States under the name of Louisiana which lies north of thirty-six degrees and thirty minutes north latitude, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be forever prohibited," shall not be so construed as to apply to the territory contemplated by this act, or to any other territory of the United States; but that the citizens of the several states or territories shall be at liberty to take and hold their slaves within any of the territories of the United States or of the states to be formed therefrom, as if the said act, entitled as aforesaid and approved as aforesaid, had never been passed.

The announcement of this proposed amendment created an intense excitement throughout the whole country; the South hailing it with delight, the Abolitionists being furious, and the northern Democrats at first aghast, as they supposed it to be a bomb hurled at their party for its destruction, coming as it did from a Whig leader. The Kentucky delegation, Whigs and Democrats, were a unit in enthusiasm.

When Mr. Dixon's amendment was read, Judge Douglas appeared startled, and came over to his seat and remonstrated in very courteous terms, saying that "as a known friend of the measures of 1850, he had hoped he would not oppose this bill, which was in accordance with those measures." Mr. Dixon replied that "it was exactly because he was a friend to those measures that he had offered this amendment to his (Douglas') bill." After some further talk they separated. On the next day, or next but one, Douglas called for Mr. Dixon to drive out with him, that they might have an opportunity to converse uninterruptedly on the subject. Dixon laid before him the facts and his own deductions, and when he had given his views fully Douglas exclaimed, "By God, sir, you are right, and I will incorporate it in my bill, though I know it will raise a hell of a storm."

In a letter to Hon. H. S. Foote, of Mississippi, written in October of 1858, in reply to one from him, Mr. Dixon, after scoring Buchanan for his action in the attempt to force the Le Compton constitution upon the people of Kansas, and denouncing him for his base conduct toward Douglas, gives Mr. Foote an account of the conversation between them on that occasion, and closes with the remark that he regards Judge Douglas' "reputation as one of the great moral treasures of the nation itself." He states in that letter that after he had given Douglas his views as to the injustice and inconsistency of the act of 1820, as well as its unconstitutional character, he assented to their correctness, and offered to take charge of the amendment and engraft it on his bill. Mr. Dixon accepted his offer gladly and gratefully, feeling that his amendment would thus be an assured success, which it was, after a long and tempestuous congressional struggle.

We have given these personal details of this celebrated repeal * inasmuch as many various stories have been circulated from time to time in regard to its origin and motives, without even a shadow of foundation in fact. Mr. Dixon's motives were plain and simple, and were shared by the whole

* For these details, as well as the facts regarding the Missouri compromise and its repeal as herein stated, the writer is indebted to the unpublished history of those acts, written by Mrs. Dixon, who spent the winter of 1853-4 in Washington with her husband.

southern people; and when the matter was explained to them the appeal was acquiesced in by a large majority of the northern people. His action was recognized as the action of a bold, straightforward man, who fearlessly demanded justice and nothing more than justice. It is evident that it was through the representations made by Dixon that Douglas was convinced of the correctness of his position; and they were no doubt made with all the force of the speaker's own convictions, all the earnestness of his wonderful eloquence, and with that power which he singularly possessed of inspiring men to act from lofty motives and upon high principles.

Once Douglas had taken his position, he never swerved from it. With a fidelity and courage that were marvelous, he maintained it through all the revilement of free-soil Democrats, who feared him as their most able political opponents and all the desertion of secession Democrats, who had no friend in their ranks so true to their real interests, which lay in adherence to the Union and constitution. Douglas had taken history at second hand, and had accepted the theory put forth by politicians as to the sacredness of the Missouri compromise; but when he examined the question for himself, as it is evident from his speeches that he did, he found the truth as it really existed, and supported it with all the fire of his genius and fervor of his eloquence, together with the earnestness of his convictions.

It is very certain that Mr. Douglas' position was understood at the time by the political leaders, unless indeed it may have been impossible for them to conceive of a man as actuated by high and exalted motives. They knew that he was satisfied of the justice and right of the amendment, which he in consequence adopted as his own and advocated so ably. They also knew that Mr. Dixon had proposed the amendment, and they had every right to expect that Mr. Pierce would accede to it, when they knew well how he had voted for Mr. Calhoun's celebrated non-intervention resolutions of 1838. But from presidential aspirations on the part of Mr. Chase, a free-soil Democrat, it was elected to denounce Douglas as a traitor to his section in that he had offered to do away with the "sacred compact" of 1820, and to denounce its repeal as "a bold scheme against American liberty," "a gross violation of a sacred pledge," etc., etc., *ad libitum.* And it is a singular fact that no historian has as yet seen fit to present the truth of this great political drama as it really occurred,—even so fair a man as, in many ways, George Ticknor Curtis, saying, "At what time Mr. Douglas changed his views on this subject cannot be determined; but when it became necessary, during the subsequent administration of President Pierce (1853–7) to provide territorial governments for the regions ceded by Mexico(?) to the United States by the treaty of Gradaloupe Hidalgo, Mr. Douglas conceived the project of repealing the Missouri compromise * * * and persuaded President Pierce to sign it." (Page 260, vol. 2, Con. Hist. United States. G. T. Curtis.)

Kansas and Nebraska "regions ceded by Mexico!" "Regions ceded by Mexico" subject to the act of 1820, when the Mexican territory was not yielded by treaty until the year 1848! Had Mr. Curtis read history as well as he has written some portions of it, he could scarcely have been guilty of such an anachronism, or have committed such a gross blunder; neither would he have failed to learn that Mr.

Douglas did *not* "conceive the project of repealing the Missouri compromise;" nor that Mr. Pierce needed no persuasion to do what was in accordance with all his previously expressed views. The records of congress are open to all writers, and from them all these facts could have been learned.

We give an extract from a speech made by Mr. Dixon in the senate on the 4th of February, 1854. After stating that he did not like the Nebraska bill as it was first presented, because "it would be wholly inoperative so far as respected the placing of the people of the different states of this Union upon an equal footing in relation to their right to carry into the proposed territory and state the property which they might possess, whether that property consisted in slaves or anything else," he goes on to say: "Taking that view of the question then, Mr. President, I gave notice to the senate that I would, at the proper time, offer an amendment,—which was read to the senate and which proposed to repeal, in direct language, the act laying the restriction upon the people of the slave-holding states in the carrying of their property within the territory. That amendment, which I proposed to offer to the bill, was subsequently, at least in substance, accepted by the committee on territories and incorporated into the bill itself." After protesting against Mr. Chase's misinterpretations he asks, "What do I understand to have been the purpose and intention of the committee on territories? What could have been the motives which influenced them to act upon this question? It was a consciousness on their part that the act which had been passed, laying its restrictions upon the people living within the limits of the slaveholding states, was an unjust act; that it struck down the rights of the people of a particular section, and therefore ought to be repealed * * * and that it is inconsistent with the principles laid down in the acts of 1850.

"I understand, then, that the committee, in the measure proposed by them to the senate, act upon this principle: that the provisions of the acts of 1850 are inconsistent with the further existence of the act of 1820."

He was charged by some of the Democratic papers with having proposed his amendment in order to embarrass their party. In reference to this he said: "Sir, I merely wish to remark that upon the question of slavery I know no Whiggery and I know no Democracy. I am a pro-slavery man. I am from a slaveholding state; I represent a slaveholding constituency, and I am here to maintain the rights of that people whenever they are presented before the senate."

Mr. Dixon declined a re-election to the senate because of delicate health, and for family reasons; although, so popular was the Kansas-Nebraska bill that the office was offered him unanimously. At the expiration of his term in 1855, he resumed the practice of law in Henderson, and the management of his large estate.

At this time the native American, or Know-nothing, party was in its zenith, having nearly absorbed the Whig party in Kentucky and other southern states. Governor Dixon opposed it from the start most vehemently, both by public speech and by letter. In 1856, there being no Whig candidate, he voted for James Buchanan, Democrat, for president. He regarded him as sound on the question of non-intervention, inasmuch as the Democratic platform endorsed all the principles of the Kansas-Nebraska bill. When Mr. Buchanan, in his

attempt to force the Le Compton pro-slavery constitution on the people of Kansas, actually sending United States troops to overpower the known majority, violated most shamefully every pledge he had made in the acceptance of the presidential nomination, violated the great principle of the very platform on which he had been elected, the principle of non-intervention, Dixon's indignation and disgust knew no bounds. That treachery, he feared, would lead to fatal consequences, as it did. For there can be no doubt, had Buchanan acted fairly then, the results would have been very different. He resented, too, most deeply, Mr. Buchanan's conduct toward Douglas, which was of course caused by jealousy and fear of him as a rival.

In 1860 Mr. Dixon supported Douglas most warmly in the election for president, regarding him as the only Union candidate; the others representing severally Abolition, Know-nothingism and Secession,—all of which he most heartily detested and disapproved. He had made effort after effort to revive the old Whig party, but had failed.

When, upon Mr. Lincoln's election, the southern states seceded, one after another, and the tread of their marshaled hosts resounded through the land, then his voice was heard all over the state of Kentucky, beseeching her to stand fast in her place, and not to be moved to help in destroying the government which was hers, and which she had no right to desert. He urged Kentucky "to sustain Mr. Lincoln in all that was constitutionally right. * * * The remedy for the evils complained of was not in secession, but resistance to usurped executive and congressional power, and not to the Union or the constitution." He, however, expressed the belief that Mr. Lincoln would not be guilty of any usurpation, but if he were then would be time enough to take steps for protection.

It was at a Douglas Union meeting in Louisville, January 8, 1861, that, boldly condemning the extremists of both north and south as enemies to the constitution, he advised the armed neutrality of the state, and that every Kentuckian unite to enforce it. He suggested that she might thus become the peacemaker between the states; but, whatever the rest might do, however madly they might rush on to war, he did not propose that she should join them, but "we will stand right here with the stars and stripes over us." Said he, "I deny that Mr. Lincoln has the right to drive me to war with my sister states. * * * I am no slave to power, but a free Kentuckian."

There is no doubt but the idea of neutrality was all that saved Kentucky from secession. For at least five months the condition was an extemely critical one. Mr. Dixon opposed the calling of a convention to take the state out of the Union, and Kentucky's action in this respect was due as much to his influence, if not more, than that of any other one man. He insisted that "the issue was not with the government, but with the Republican party who have accidentally gotten into power, not by the suffrages of the American people but by the unfortunate dissensions among those opposed to that party." (Speech at Paducah, March 9, 1861.)

He made speech after speech against the secession of the state; and it was related that a speech made in Frankfort was so eloquent, so impassioned, so thrilling, that the reporters listened spell-bound and could not take it down. The state did not secede; and in May her legislature adopted resolu-

tions of neutrality, and her governor (Magoffin) declined to furnish the quota of troops demanded by President Lincoln.

Events hurried on with breathless rapidity. The lovely Ohio river was black with gunboats when, in September of 1861, Mr. Dixon was summoned to Frankfort by the governor to confer with the legislature, in conjunction with some other gentlemen, as to the best means of protecting the neutrality of the state; as,—her citizens having sprung to arms, some on one side, and some the other, of this unnatural strife,—with this division among them, armed neutrality evidently could not be maintained. Mr. Lincoln and Mr. Davis were each telegraphed, and they replied, each agreeing to observe the neutrality of the state, if the other would likewise respect it. The proper documents were made out, and couriers started with them for the signatures of both presidents. All were rejoicing over this happy termination, and were at a dinner given by the governor when like a thunderclap came the news that General Polk had telegraphed Mr. Davis that "it was a military necessity to hold Columbus." Whereupon Mr. Davis had telegraphed back to him "to hold it." This ended all hope of Kentucky's neutrality and fixed her position. Her legislature so indignantly resented "this invasion of their soil by Confederate forces" that they immediately voted three hundred thousand dollars in money, and forty thousand men for from one to three years' service, to repel the invasion "by armed forces acting under the authority of the so-called Confederate states," and passed both bills over the governor's veto.

Mr. Dixon never altered his position; he could not side with either party; he never believed in coercion any more than in secession; nor did he believe in southern coercion any more than in northern, and steadily resisted all the sentiment that would have forced Kentucky to join the south against her own will and judgment. But, having the confidence of all parties, he was enabled to do a great deal toward keeping peace among his fellow citizens of opposite opinions, and also to succor the unfortunate in many instances. Not only were families divided, neighborhoods filled with bitterness and distrust, and many crimes committed by the soldiery of both sections, but courts-martial and military executions were frequent. Many an unfortunate victim received Mr. Dixon's help, and it is known that some were saved from death by his intercession with President Lincoln, they having formed a personal friendship when practicing law in the circuit courts of southern Indiana and Illinois. None appealed to him for counsel or succor in vain; nor did he ever demand or receive pecuniary compensation for his services.

Being a large slaveholder, his losses were great in their liberation, from the ungathered crops left in the fields and the great deterioration in the values of land. He did not lose his admirable self-poise by these accumulated losses, but lived through the war and its succeeding demoralization of labor and business in Kentucky, a bright example of the citizen who can stand the storms of adversity as well as the sunlight of prosperity without his character being impaired.

After the war he sought no political place, but always took the deepest interest in public affairs and through the press denounced the military interference in elections, which marked the reconstruction period, suggesting an amendment to the constitution to prevent it. His last protest

against these usurpations was written on September 22, 1874, and was called forth by a discussion between Mr. Harvey Yeaman, an eminent young lawyer, and himself on an editorial in the Courier-Journal, which claimed that President Grant had the legal right, though not the moral one, to send United States troops to Louisiana to force a minority government on an unwilling people. Mr. Dixon contended and proved, in the very able letter which he dictated at once on returning to his home, that he had no such right. The "Louisiana letter," as it was called, was the first protest against this outrage. It was widely read and produced a marked effect; was soon after followed by other protests from men of note, and the results were shown in the succeeding elections all over the country.

From this time Mr. Dixon's health gradually failed until the sad end came in 1876.

He always took a lively interest in his town and county. The building of the railroad from Henderson to Nashville was strongly advocated by him and he was one of the charter members of the Henderson Bridge Company, which after his death built the railroad bridge across the Ohio at Henderson.

As already stated, he was a great lawyer and a great orator. It was the pleasure of the writer to hear him often at the bar, and occasionally in the discussion of political and other questions. It is impossible to do justice to his gifts as an orator. He was argumentative and forcible, but his eloquence was unsurpassed and indescribable. His voice rang like a trumpet call to battle, and the whole soul of the man seemed enlisted in his cause. His face, his eyes, his expression,—all spoke for and with him; and perhaps no lawyer in Kentucky ever held a more powerful sway over courts and juries.

In appearance he was most striking and majestic. Perhaps a trifle above six feet in height, he was of splendid proportions and carried himself most gracefully. He would be noticed among ten thousand as a man of distinction and power. A gentleman in Union county, who believed him the greatest man Kentucky has produced, spoke of the fact that when he would enter the court house there, during his practice in that county, all eyes would turn to look on him. Another, who went with him in 1860 to Indianapolis to hear Mr. Douglas while a candidate for president, said that at the hotel where he registered from every quarter the assembled crowd inquired who he was. As he walked the streets men would involuntarily turn to look upon him. His matchless intellect and invincible courage shone through every feature and made his tread majestic.

In private life he was a charming character. His conversation was cheerful, eloquent and instructive. He possessed great information and fine literary taste. Though not in the slightest degree pedantic, it was evident from his conversation that he was familiar with the best authors, in poetry, fiction and biography, as well as history. He had also a fine judgment in business and for all practical affairs.

Perhaps no man was more free from the objectionable manner which affects superiority over his fellows. He met all men as equals, and was as courteous to the humble as the proud, to the poor as to the rich, and his bearing toward ladies was as high-toned as that of a knight-errant of the days of chivalry. He was especially kind to young men struggling for recognition against ad-

verse circumstances. His friendships were warm, sincere and unchanging. Of fiery temperament he was never unjust; swift and even fierce to denounce wrong, he was yet most gentle and generous to forgive the wrong-doer.

His moral character was above suspicion. Throughout his long life he had the confidence and trust of his fellow-citizens. He possessed a refinement of honor that was exquisite, and an integrity that was incorruptible. In religion he was a Christian,—more by practice than by profession, practicing all its virtues, without sectarian bigotry or intolerance. In the last illness, which lasted several weeks, he was conscious his end was near, but he was not worried with remorse or apprehension for the future, but spoke of death and his accountability to God as if he were in full health, discussing the matter as abstract propositions. Yet it would be misleading to infer from this that he was weary of the world, or had in any degree lost his interest in his country or in his family and friends. Never can the writer forget the deep emotion with which he said, when informed that his friends in Morganfield had made many inquiries as to his health: "Give them my love and a long farewell!" His tones drew tears from the eyes of all present.

On Sunday night, April 23, 1876, his great soul took its flight to appear before the Judge of all men, and those who knew him have no doubt that his life here was approved in the final sentence. How could it be otherwise, since he was truthful, courageous, just, affectionate, and full of sympathy, and relied upon the infinite love of his God?

A word in regard to his family seems appropriate. He was the youngest son of Captain Wynn Dixon, and the only son of his mother, who was Captain Dixon's second wife and daughter of David Hart, of North Carolina. Captain Dixon was brevetted on the field for gallantry, at Guilford Court House, when he was only sixteen years old. His father was Colonel Henry Dixon, that brave and accomplished Revolutionary officer, who, with his regiment of North Carolinians, at the battle of Camden, withstood the British forces the entire day, and finally, every cartridge being exhausted, drove them back with the bayonet.

In 1834 Mr. Dixon was married to Mrs. Elizabeth R. Pollit, daughter of Colonel Joseph Cabell, who emigrated from Virginia to Kentucky early in the century. She was a most lovely and attractive woman. She died in 1852, survived by six children of her union with Governor Dixon, of whom Rebecca, the eldest, married Hon. John Young Brown; Susan Bell, Major John J. Reeve; Archibald Dixon, Miss Margaret Herndon; and Joseph C. Dixon, Miss Lucy Alves; Hon. Henry C. Dixon not having married; and Wynn, the youngest child, dying in his boyhood.

In October of 1853 Governor Dixon married Miss Sue Bullitt, of Jefferson county, daughter of William C. Bullitt, whose father was the first lieutenant governor of the state, and president of its first constitutional convention. There were three children of this marriage who survived their father: Kate, who married David R. Burbank, Jr.; William B. Dixon and Thomas B. Dixon, as yet unmarried. Mrs. Dixon still lives, and no greater compliment can be paid her than to say that she is in every way worthy of the love and confidence which her distinguished husband lavished upon her. Her

devotion to him brightened his life in health, and cheered and solaced him in his last illness. All his surviving family venerate his memory, for he was to them all that a father and husband should be. He left a large estate. His death was mourned by his neighbors as a calamity, and no man who has died among them will be longer remembered.

HON. JOHN W. LOCKETT.

JAMES FRANKLIN CLAY, of Henderson, was born in the city which is still his home, October 29, 1840, and belongs to a family whose identification with Kentucky dates from its pioneer epoch. His grandfather, Benjamin Marston Clay, came from Virginia to this state about 1812, and the father of our subject, James W. Clay, was born in Jessamine county, Kentucky. He became a tobacco merchant and did an extensive business. His wife, Clarissa M. (Berry) Clay, was a daughter of Benjamin Berry, of Berryville, Virginia, who removed thence to Hopkins county, Kentucky, in 1804.

Mr. Clay, of this sketch, acquired a common-school education in Henderson and then entered the Georgetown College, of Georgetown, Kentucky, where he was graduated in 1860. He read law in Henderson in the office of the firm of Dixon & Glass, the senior partner being Archibald Dixon, who served as lieutenant-governor of Kentucky from 1844 until 1848, and as United States senator, to fill out an unexpired term caused by the death of Henry Clay, from 1852 until 1855. He was one of the most scholarly men of his day, and Mr. Clay was fortunate to receive instruction from so able and eminent a jurist. In 1862 he was admitted to the bar and at once entered upon practice. His close attention to his business and his devotion to the interests entrusted to his care soon won him a reputation that classed him with the foremost representatives of the profession in this section of the state. He was elected to the state senate for the term of 1871–1875, and in that assembly served as chairman of the committee on privileges and elections, and as a member of the committees on judiciary and railroads. During his term of office the statutes of the state were revised, entailing an unusual labor upon the senate. Hon. John G. Carlisle, then lieutenant-governor of Kentucky, presided over the deliberations of this body and the session was a memorable one, owing to the work accomplished.

Mr. Clay also served for several terms as city counselor for Henderson and materially promoted its interests by his faithful performance of duty. His political support has ever been given the Democracy, and in 1871 he was a delegate to the Democratic national convention which nominated Horatio Seymour for the presidency. He was a member of the first board of trustees of the Henderson city schools and obtained the charter for the organization of the schools in 1872. He has ever been deeply interested in their welfare and his labors in their behalf have been most effective. In November, 1882, he was elected to the forty-eighth congress from the second congressional district of Kentucky, occupying a seat in the council chambers of the nation from 1883 until 1885, during which time Hon. John G. Carlisle was speaker of the house. There he served as a member of the committees on revision of laws and as one of the tellers to announce the vote of the states on the presidential election of 1884.

Jas. W. Kelly

On retiring from congress Mr. Clay resumed the practice of law, which he has followed with enviable success and has declined to accept further political honors. His practice is general and very extensive, calling him to the United States courts, the court of appeals and the circuit courts outside of the district which embraces Henderson. He has been concerned in some of the most important controversy in these courts, including the Newcomb will case, involving the disposal of an estate of half a million dollars. In this litigation he was associated with Hon. John Young Brown and S. B. Vance and succeeded in winning the case for their clients, the contestants. He is now and for some time has been council advisor of the city of Henderson and has represented the city in tax cases of great intricacy and involving large sums of money. A test case in which he was one of the counselors was the City of Henderson versus the Henderson Bridge Company, which was carried through the state courts by appeal of the bridge company to the United States supreme court.

Mr. Clay was married in 1868 to Miss Bessie Eaves, daughter of Sanders Eaves, who for a number of years was the judge of the first county court of McLean county, Kentucky. His children are: Margaret, wife of Joseph Short, of Sequin, Texas; Richard A., C. Leslie, James W., Irene E., Addison Y., Sanders and Bessie. Mr. Clay is essentially a home-loving man who finds his greatest happiness in the midst of his family.

He is especially gifted as an orator, with a finely modulated voice and graceful delivery, and when interested he throws his whole soul into the cause with an earnestness and energy that has the power of winning success. His fine command of language, attesting a keenly analytical mind, is able to sway an audience or jury with a force equaled by few advocates. It has been said of him that "he is every inch a man, his integrity and uprightness being beyond question."

JAMES WILLIAMS CLAY was born in Henderson, November 28, 1874, and is a son of James Franklin Clay. He is the only member of his father's family who has embraced the legal profession, and the firm of Clay & Clay is now one of the best known and most thoroughly reliable legal combinations in the city. He was educated in the schools of Henderson under the careful supervision of his father and was graduated in the law department of the Cumberland University, in Lebanon, Tennessee, in the class of 1892. He finished his course with honor and won the degree of LL.B. He next entered upon the practice of his chosen profession in connection with his father, and has evinced an aptitude for the law and an ability to successfully meet the problems connected therewith rare in young men. He is a close student, faithful in the discharge of his duties and the interests confided to him. Building upon the sure foundation of thorough and comprehensive preparation, with the experience which comes with years, he will undoubtedly have a brilliant and useful career at the bar. His association with his distinguished father is most fortunate and happy, and one so rare as to command wide attention and respect. He assists in all the important litigation of the firm and has appeared with credit in argument in the court of appeals, winning the approval of the entire court on the conclusion of his initial address. He is a mem-

ber of the Knights of the Ancient Essenic Order and enjoys the respect and confidence of the entire bar.

MALCOLM YEAMAN, of Henderson, was born in Hardin county, Kentucky, March 9, 1841, and is the fifth son of Stephen Minor and Lucretia (Helm) Yeaman. His father was a farmer of Hardin county and of English origin. His family was represented in the legal profession by his four sons: Caldwell Yeaman, of Denver, Colorado; George H. Yeaman, of New York city; Harvey Yeaman, who died in southwestern Colorado, and Malcolm Yeaman, who is still (1897) practicing law in Henderson. Two other sons are: John H., a Baptist minister who died in 1865, and William Pope Yeaman, who is, and for many years has been, a leading Baptist minister in Missouri.

Malcom Yeaman obtained his education in the schools of Hardin county and studied law in the office of his brother, George H. Yeaman, then of Owensboro, Kentucky. He applied himself to the mastery of the principles of law and has ever been a student. In 1863 he was admitted to the bar and his equipment and natural endowment soon won him prominence. Although he is known as a general practitioner his practice has been mostly in civil cases. His career is distinguished by integrity and grasp of problems that present themselves for solution. He has never turned aside to enter the field of politics as an office-seeker, although he was in 1896 a candidate for judge of the court of appeals, being defeated for the office by Judge White, of Carlisle county. He was a delegate to the national Democratic convention in New York, which nominated Horatio Seymour for the presidency, and at St. Louis, when Mr. Tilden was chosen as the standard-bearer of his party.

Mr. Yeaman has for many years been an elder in the Second Presbyterian church and is deeply interested in the welfare and advancement of his adopted city. His circle of friends is extensive, and he commands the unqualified respect of his fellow members of the bar. In the presentation of a cause he makes a cogent argument, convincing by the clearness of his statement and the force of reason. It requires unusual qualities of mind and heart and character to rise into conspicuous prominence as a member of a bar like that of Kentucky, which has contained and still contains some of the most brilliant men that the legal profession has ever produced; and to do so ought to be sufficient to satisfy a reasonable ambition. This Mr. Yeaman has done, and yet in manner he is modest. He seems to be satisfied with the discharge of his duty without regard to its effect upon his fame. Indeed in his very modesty of manner and of fidelity is found not only the chief causes of his popularity among his associates, the legal profession and the people, but also one of the best evidences of his ability and worth.

On the 23d of October, 1861, Mr. Yeaman married Miss Julia Van Predells Moore, daughter of John R. Moore, who practiced medicine for many years in Louisville, Kentucky, and afterward in Pettis county, Missouri. Their children are John Rochester, who was drowned in Puget Sound, in May, 1893; Marion Van Predells, a Presbyterian minister, of Vanceburg, Kentucky; Lelia Tripett, wife of W. J. Marshall, of Henderson; Malcolm H., who has recently

graduated in medicine from the Polyclinic in New York city; Harvey, a law student in the University of Michigan; James M., a student in his father's law office; and Julia M., who is attending school.

RICHARD HOOPE CUNNINGHAM, of Henderson, was born in Cumberland county, Virginia, January 23, 1845, a son of Edward and Catherine (Miller) Cunningham. His father was a native of Richmond, Virginia, and was a planter by occupation. The paternal grandfather, Edward Cunningham, Sr., was a native of Ireland, who crossing to the New World located in Richmond, Virginia, in 1780. The maternal grandfather, Captain John Miller, a planter of Cumberland county, Virginia, and a son of Captain John Miller, aided in the struggle for independence.

The early education of Richard H. Cunningham was pursued in the Virginia Military Institute, of Lexington, Virginia. He was a student there at the time of the outbreak of the Civil war, and laying aside his textbooks he entered the Confederate service as drill master. Later he was appointed adjutant-general of General McCausland's Infantry Brigade, served throughout the war and was paroled under the terms of the surrender of General Lee, May 31, 1865. He was wounded in two engagements—at Kernstown and later at Leetown, on the 25th of August, 1864. He displayed the bravery and valor of a faithful soldier on many a battle-field and won favorable notice from his superior officers.

In 1866 Mr. Cunningham accepted a position as teacher in Professor Holcombe's high school in Bellevue, Virginia, and while there read law under the direction of Professor Holcombe, who had been professor of law in the University of Virginia. In 1868 he was admitted to the bar and began practice in Lynchburg, Virginia, whence he removed to Henderson, Kentucky. He served as city attorney for four years, was judge of the city court from 1876 until 1880, and has since enjoyed an extensive clientage in the line of civil war. He was one of the attorneys in the case of Indiana versus Kentucky, which is now being tried in the United States supreme court to decide the controverted question of the boundary line between the two states.

The impassioned eloquence of the criminal lawyer may often gain a wider reputation than the practitioner who devotes his attention to civil law, but as great skill is required in the latter department, involving the most intricate and complex questions, calling forth the keenest perception, the closest reasoning and the most impregnable logic.

Mr. Cunningham is a member of the Knights of Pythias fraternity, the Knights of the Ancient Essenic Order and of the Episcopalian church. His political support has always been given the Democratic party. He was chairman of its county committee for several years, and his effective management and wise control of political affairs bore good fruit. His mental characteristics are of a peculiarly legal cast. He is painstaking, ardent and indefatigable in the preparation of cases, strong in the presentation of his cause, logical in argument, of high moral character and unimpeachable integrity.

On the 7th of November, 1875, Mr. Cunningham married Miss Mary Atkinson, daughter of John C. Atkinson, for some

years mayor of Henderson and a prominent coal merchant of that city. They have two children,—John Atkinson and Mary.

MONTGOMERY MERRITT, of Henderson, was born in Todd county, Kentucky, October 15, 1845, a son of Dr. Daniel R. M. and Penelope (Hannan) Merritt. The former was a native of Williamson county, Tennessee, where the grandfather, a native of North Carolina, had located at a very early day. Dr. Merritt studied medicine and in 1825 removed to Todd county, Kentucky, where he devoted his life to his profession. His wife was born in Logan county, Kentucky, of English and Welsh ancestry, and her people were among the first settlers of that section of the state.

Montgomery Merritt acquired an academic education in Todd county, and, although but a boy in years, joined the Confederate army as a member of General Morgan's cavalry command. He participated in the different engagements of that brigade up to the Ohio raid, when he was captured; being later exchanged, however, he rejoined the southern forces and served with the Confederate army until the close of hostilities. Though young in years, his bravery and his loyalty to the cause he espoused equaled that of the time-honored veteran.

Mr. Merritt pursued his law studies under the direction of J. F. House and H. C. Merritt, who constituted one of the leading firms of Clarksville, Tennessee, the latter being his elder brother. Subsequently he entered Cumberland University, of Lebanon, Tennessee, where he carried off the honors as valedictorian of the class of 1869, numbering twenty-three students. He located soon after at Henderson and engaged in the practice and won a foremost place at the bar. He has confined his efforts to civil law and is now attorney for a number of important corporations. He has fully demonstrated his fitness for the great requirements of his profession and is the recognized peer of any member of the Henderson bar. His reputation extends far beyond the confines of his locality and he may well be numbered among the foremost practitioners of civil law in Kentucky. He has been connected with some of the most important litigation in his circuit.

Though a student of political questions and an interested observer of the working of the great governmental machinery, Mr. Merritt has never desired political honors. However, he served for a term in the state legislature, being elected in 1877 on the Democratic ticket. He has found a congenial and profitable diversion from his professional labors in the banking business, and has been president of the Planters' State Bank since its organization in 1883.

Mr. Merritt married first Miss Mary Field Green, daughter of Judge Nathan Green, who for over twenty years was on the supreme bench of Tennessee; and secondly to Miss Eliza B., daughter of T. D. and Arabella S. Alves. For twenty-eight years he has been a member of the Presbyterian church, and is now serving as one of its deacons. He also belongs to the Knights of Pythias fraternity, but is not active in its work. As a citizen he manifested a laudable interest in all matters pertaining to the welfare of county or state and gives to many public enterprises a substantial support. His high moral character, his devotion to duty in all the walks of life and his sterling worth make Mr. Merritt one of the most esteemed citizens of Henderson.

FRANCIS HENRY DALLAM, of Henderson, was born in Hopkinsville, Kentucky, in 1812, and died in Henderson, on the 31st of March, 1866. His father, Nathan Smith Dallam, a native of Maryland, was of English descent, the first American ancestors crossing the Atlantic from the mother country in the seventeenth century. The family became prominent in the history of Maryland and several of its representatives achieved distinction at the bar of Baltimore. In 1804 Nathan S. Dallam removed to Kentucky and in 1808 took up his residence in Christian county, where he was clerk of the courts for many years. He was repeatedly elected to the state legislature and was a warm personal friend of Henry Clay, a correspondence being maintained between the two gentlemen for a long period. He married Sarah Hicks, of Richmond, Virginia, whose family was one of wealth and influence. The marriage was celebrated in Winchester, Kentucky, in 1807, and ten children were born of their union, of whom Francis Henry was the fourth child and second son.

A short mercantile experience was the only variance in the professional career of Francis H. Dallam, who for a third of a century was a conspicuous figure at the Kentucky bar. He pursued his law studies under the preceptorage of Frank Blair, of Frankfort, Kentucky, and was admitted to the bar in that city in 1833. Removing to Livingston county, he there practiced with increasing success until 1842, when the county was territorially divided. The following year he went to Smithland, where he remained until 1853, when he became a member of the Henderson bar, at which he continued to practice until his death. A diligent student from the beginning of his career, he acquired an unusually profound knowledge of the law, which a well disciplined memory placed absolutely at his command. In his practice he was remarkable for the great care he gave to the preparation of his cases and for a number of years he occupied the first place at the bar of his circuit, while throughout the state he was recognized as an able and upright lawyer. He represented Livingston county in the state legislature, but sought no public office, preferring to devote his entire attention to his profession. His nephew, Clarence Dallam, now of Louisville, is the only representative of the family in the legal profession and is mentioned elsewhere in this volume.

The duties and pleasures of the home life were to Mr. Dallam sacred. He married Camilla Barbour, daughter of Moses Barbour, and a sister of George W. Barbour, a prominent member of the Princeton bar. He belonged to the Masonic fraternity, held membership in the Episcopal church and was most active in church and benevolent work. Thoroughly unselfish, he recognized the truth of universal brotherhood, and he believed the noblest aim in life was to be a true Christian gentleman, faithful in all duties and upright in all dealings. His was a lovable character, a genial and even temper, and his conversation, never on a low plane, was enriched with a wit and humor that made him a most entertaining companion.

The death scene of this faithful Christian gentleman was quite impressive and touching. After a stormy night at the end of March, and after he had been gradually sinking all night, the sun arose and its bright rays streaming in through the closed shutters aroused him, and he looked up and asked, "Is not this Easter Sunday?" Those in attendance said, "Yes, this is Easter

Sunday;" and then, with full consciousness and looks of thankfulness in his eyes, in a few minutes he departed this life,—Easter Sunday morning, A. D. 1866.

WILLIAM POLLITT McCLAIN is a native of Henderson county, Kentucky, and makes his home in the city of Henderson. His father, William McClain, of Scotch ancestry, was an agriculturist, who located in Maryland in colonial days. The first of the name to come to Kentucky sought a home in Henderson county during the pioneer epoch in the history of the state. Here the family acquired extensive real-estate holdings and owned large numbers of slaves to cultivate their lands; but when the Civil war liberated the negroes, the owners were left in an impoverished condition. The mother of our subject, Mrs. Virginia McClain, was a daughter of James B. and Elizabeth (Cabell) Pollitt, the former a merchant and one of the most prominent and enterprising business men of Henderson. The Cabells were of a leading family of Buckingham county, Virginia, and removed from the Old Dominion to central Kentucky. They were also related to the Bolling family, of Virginia.

Mr. McClain, of this sketch, began his education in the schools of Henderson and afterward entered Notre Dame University, of South Bend, Indiana, where he was graduated with honor in the class of 1870, receiving the degree of A. B. He then entered the law department of the University of Virginia, and on the completion of the prescribed course was graduated at that institution in 1873. He took up his residence in St. Louis, Missouri, where he was admitted to the bar by the supreme court and engaged in practice there until 1875, when he returned to Henderson, where he has since been actively engaged in the prosecution of his chosen profession.

In 1880 Mr. McClain was elected city attorney and served until 1881, when he resigned to accept the office of county attorney, to which he was called by the vote of the people. For fourteen consecutive years he acted in that capacity, with the approval and unqualified approbation of a constantly growing constituency. He so upheld the majesty of the law and administered the criminal code that he gained the respect and confidence of the people, as is well indicated by his long retention in office. He has been an active factor in the campaigns of Democracy and is an ardent and consistent adherent of its principles and a fearless and able advocate of his belief before the people. In 1894 he was urged by his friends to enter the race for the Democratic nomination for congress and made a brilliant canvass. He defeated his home opponent, a lawyer of acknowledged ability and experience, but lost the nomination in the convention in a triangular contest. His law practice is large and lucrative and he has a distinctively valuable clientage. His practice has been general and he is a forceful and successful advocate and a safe and judicious counselor, equally able in civil or criminal practice.

Mr. McClain was married in 1882 to Miss Mary Maury Garland, daughter of Dr. Richard Garland, a native of Virginia and a practitioner of medicine in Henderson. He was reared in the Presbyterian church but with his wife attends the Episcopal church, of which she is a member. Mr. McClain belongs to no societies; he is a man of domestic tastes and finds his greatest pleasure at his own fireside, dispensing

Wm. P. McClain.

James F. Clay. *J. L. Dorsey.*

the hospitality for which the southern homes are so justly noted. His scholarly attainments and his culture, combined with a courteous, genial manner make him a favorite with many friends. He is a man of broad scholarship, recognized as a ripe student, not alone in the law but also in general lines of thought and investigation. In personal appearance he is of fine physique, has a musical and harmonious voice and possesses a personal magnetism which on the platform or in the court-room attracts his hearers, while his logical arguments and earnest utterances never fail to carry conviction.

JOHN LLOYD DORSEY was born December 17, 1853, in Henderson county, Kentucky. His father, John N. Dorsey, M. D., was a physician of superior merit, whose high reputation enabled him to command an extensive practice. He was born in Jefferson county, Kentucky, and was a representative of an honored pioneer family of this state that came from Maryland and located on the frontier. He wedded Miss Patsey R. Atchison, who also belonged to an old family whose identification with the history of Kentucky covers the period from 1815 down to the present time. The ancestry were of Scotch-Irish origin, and the first of the name to cross the Atlantic to America became a resident of Virginia in 1790. Since that time many members of the family have become distinguished at the bar and in the council chambers of the nation.

Mr. Dorsey acquired his education in Bethel College, of Russellville, Kentucky, and after pursuing a course of law study in the office of Malcolm Yeaman, of Henderson, was admitted to the bar in December, 1876. He at once located in the city of Henderson, which is still his home, and immediately entered upon the practice of his chosen profession, and has demonstrated his legal lore and his ability to handle successfully the intricate problems of the law by many successes at the bar, where he has met in forensic combat many of the most gifted representatives of his calling in this section of the state. In 1879 he was elected to represent his district in the general assembly, where he served for two years,—the youngest member of the legislature at that time. He was made chairman of the committee on county and city courts and was a member of the committees on judiciary and codes of practice. A close student of the question and issues of the day and of the policy of the different factions who advocated measures, he brought to bear upon all matters that came up for decision, calm deliberation and sound reasoning, and his representation of Henderson and the adjoining territory was at once satisfactory to his constituents and beneficial to the state. He filled the office of council advisor to the city of Henderson for seven years,—from 1886 to 1893,—and was a candidate for the position of circuit judge of the fifth judicial district in 1892. There were then no party nominations and Mr. Dorsey polled a very complimentary vote; for his opponent, Judge M. C. Given, then the incumbent of the office, received a majority of only twenty-one, and the total number of votes cast was nearly nine thousand. He is spoken of in connection with the office as the probable candidate at the election which takes place in November, 1897. He has the respect of the entire bar, and its members have the

fullest confidence in his ability to acceptably fill the judgeship.

Mr. Dorsey has been interested in many of the most important cases that have come up for trial in Henderson since he was licensed to practice. As city counselor he was connected with the tax cases involving the right of the city of Henderson to tax the great railroad bridge crossing the Ohio river within the limits of the city, the most important of these coming up for hearing under the name of the Henderson Bridge Company versus the City of Henderson, and Atkin versus the Louisville & Nashville Railroad Company. Mr. Dorsey was also engaged as counsel in the preliminary examination of what was known as the Delaney cases, involving a conspiracy to commit murder, these being the most celebrated cases in western Kentucky.

On the 10th of December, 1885, Mr. Dorsey was united in marriage to Miss Nannie Dixon, a daughter of Robert Dixon and Alice Young Dixon. Mr. and Mrs. Dorsey have three children,—Alice Young, John Lloyd and Nannie Dixon Dorsey.

Mr. Dorsey is an active participant in political affairs and espouses the cause of the Democracy. He has been a frequent representative of his county in state conventions and has done effective service in the interests of the principles of Democracy by his earnest, eloquent and logical addresses in campaigns. He is a member of the Presbyterian church and of the Masonic and Knights of Pythias fraternities. Mr. Dorsey is a man of strong will and indefatigable industry, quick at retort, fertile in resources in the trial of a case, and his extensive knowledge of the law and his ready application of it to the points in controversy have made him a successful practitioner.

PASCHAL HICKMAN LOCKETT, lawyer and preacher, was born in Henderson county, June 4, 1832, and died in Trenton, on the 31st of July, 1889. He was a son of Captain Francis Lockett, whose removal to this state in 1807 identified the history of the family with that of the commonwealth, its different members figuring conspicuously in many public interests. In the common schools of his native county he obtained his early education and pursued his law studies in the office and under the preceptorage of Judge Green, of Mount Vernon, Indiana, later judge of the superior court of that state and a brother-in-law of Mr. Lockett.

The subject of this review was admitted to the bar in Henderson, Kentucky, in 1853, and at once entered upon a successful career. He was elected and acceptably served as county attorney for one term, was elected county judge in 1866 and for sixteen years filled that office, being chosen four times by popular ballot. As a judge he has had few equals on the Henderson county bench. He was fair and impartial, clear and logical in his reasoning, and the comprehensive grasp of his mind enabled him to weigh all the points of evidence. His knowledge of the law was broad and his retentive memory made it always available. He clothed his office with a new dignity and commanded the respect of the bar and the indorsement of the entire community. During his last year on the bench he devoted considerable time to the study of theology, and when he laid aside the judicial ermine he entered the ministry of the Baptist church in 1882 and was called to a pastorate in Trenton, where he labored assiduously until his death, beloved by all Christian people.

On the 18th of December, 1855, Judge

Lockett was united in marriage to Miss Ella Eakins, of Henderson county, a daughter of John Eakins, who removed to this county from North Carolina, the date of his arrival in Kentucky being 1828. Of this union were born the following named children: John Francis, William H., Henry Turner, Lydia, wife of William Dugan, of Chico, Texas; Beulah and Eva A. The Judge was a member of the Masonic fraternity, and in politics was originally a Whig and later a Democrat. His whole life was guided by the golden rule, and the world that knew him was made brighter and happier for his having been in it. His qualities of mind and heart were such as awakened the admiration and love of all. His strong mind, his loving sympathies, his irreproachable life left a lasting impression upon the various communities wherein he resided and his influence was ever ennobling and pure.

John Francis Lockett, the eldest son of Paschal H. Lockett, was educated in the high school of Henderson, and studied law in the office of his father, who was then judge of the county court. He also received the practical training of the court-room, and when he entered upon the prosecution of his chosen profession he had more than the theoretical knowledge of law. He was admitted to the bar in 1878. In 1881 he was elected prosecuting attorney of Henderson, and filled that office continuously until 1886, when, in the month of September, he was elected to the bench whereon his father had so long sat, and presided over the county court until January, 1895. He has since engaged in private practice, and before the bar has proved himself an accomplished lawyer, a graceful, pleasing speaker and an able counselor. His honesty and integrity are unimpeachable, and as city prosecutor and county judge his official career was that of a faithful public servant, appreciative of his full duty to the people, and with meet courage to perform it.

Henry Turner Lockett, the third son of Paschal Lockett, has also followed the law. He, too, was born in Henderson, but was educated in Trenton, Kentucky, and was admitted to the bar in Elkton, Kentucky, in 1889. He has since practiced in Henderson, and is one of the leading young lawyers of that city, giving promise of fully sustaining the reputation of the family in its connection with the bar. He belongs to the Knights of Pythias fraternity, and is a Democrat in his political sentiments.

JOHN WATKINS CROCKETT, who for many years was connected with the bar of Henderson, was born in Jessamine county, Kentucky, May 17, 1818, and died in Madisonville, June 20, 1874. His father, John W. Crockett, was a native of the same county and was a farmer by occupation. His grandfather, Joseph Crockett, was born near Charlotteville, Virginia, and was colonel of a Virginia regiment during the war of the Revolution. In 1782 he emigrated to Kentucky and took an active part in the organization of the state, serving as United States marshal for a time. The first of the family to come to America was of French-Huguenot extraction, members of the Huguenot band having fled from their native France in the days of the persecution and sought safety in Ireland, whence their descendants came to America. The name at that time was spelled Croquetaine. The sons of this family were seafaring men, and engaged in this calling in connection with the Maury family before locating in Virginia. The mother of our

subject was Louisa (Bullock) Crockett, of Jessamine county, Kentucky, a member of the prominent family of that name in this state.

John Watkins Crockett was educated in the common schools of Jessamine county, Kentucky, and in Hancock county, Illinois, while residing there with his sister, Mrs. Hannah (Crockett) Bell. At the age of twenty-one he returned to Hopkinsville, Kentucky, where he read law with his cousin, Joseph Crockett, an attorney of renown, who later became one of the justices on the supreme bench of California. Mr. Crockett was admitted to practice at Paducah, Kentucky, and removed to Henderson a short time before the inauguration of the Civil war. His sympathies were with the south, and his conscientious convictions of the supreme right of the states to sever their union with the national government led him to give his influence and support to the Confederacy. He was sent as a delegate to the convention held in Bowling Green, Kentucky, and there was elected to represent the second congressional district in the Confederate congress. He maintained this position during the greater part of the war, devoting his time and abilities to advancing the cause of the south, and when the war was over returned to Henderson, where he resumed the practice of law. To that work he devoted his energies until 1872, when failing health caused him to leave the bar and he returned to Madisonville, where he died in 1874.

Mr. Crockett was twice married. He first wedded Mrs. Smedley, and of this union there are two surviving children,—John W. and Mrs. Lucy (Crockett) Thornberry, of Montgomery, Alabama. For his second wife Mr. Crockett chose Miss Louisa Ingram, daughter of Wyatt H. Ingram, a merchant of Henderson, Kentucky. The Ingrams came to this state from Virginia at a very early day. The only surviving child of the second marriage is Ingram Crockett, who is teller in the Planters' Bank of Henderson, and who, aside from his duties in the bank, gives much attention to authorship, having written many beautiful poems which have appeared in such standard publications as the Youth's Companion and Frank Leslie's, and have also been published for distribution and for sale.

In concluding the sketch of John Watkins Crockett it is but just to give an account of his forensic ability, which has seldom been equaled. He was by nature an orator. He possessed a vigorous intellect, wide information and keen wit, and his command of language was such as to make his speech apt and fitting at all times. Careful in arranging and preparing his cases, he was never at a loss for forcible and appropriate argument to sustain his position and he met in the arena of the court-room and in public debate such men as Archibald Dixon, Lazarus W. Powell and others of like caliber, and rarely was worsted in the combat. He was of a genial, generous nature, courteous and frank and ready at all times to aid the unfortunate and needy. Though eighteen years have passed since he was laid in the tomb his memory is still enshrined in the hearts of many friends, and his virtues and goodness still live in the recollection of those who knew him.

JOHN W. LOCKETT, of Henderson, was born in Henderson county on the 8th of August, 1837. The pride of America is in the noble character of one's ancestors, and on both the paternal and maternal sides Mr.

Lockett is connected with old and honorable families. His father was a native of Mecklenburg county, Virginia, and in 1807 came to Henderson, Kentucky, when it was scarcely more than a wilderness. He was a member of the general assembly for four years, between 1815 and 1825. His marriage to Miss Lydia Hickman brought about the union of two old and highly respectable families of the state. She was a native of Franklin county, Kentucky, and a daughter of Rev. William Hickman, whose father was among the first preachers of the gospel in the state. He had a brother, Captain Paschal Hickman, who was killed at the battle of River Raisin.

John W. Lockett was educated in the common schools and read law with his elder brother, P. H. Lockett. In 1859 he was admitted to the bar. In 1862 he entered the military service of the Confederacy, and was captured during the Ohio campaign, under General Morgan, after which he was held as a prisoner of war until shortly before the close of hostilities.

When the war ended Mr. Lockett resumed the practice of law and has commanded a large and important practice. For twelve years, from 1868 until 1880, he served as commonwealth's attorney of his district with credit and satisfaction to his constituents, and since that time he has never been a candidate for office save that of presidential elector in 1888, when he was elected and in the electoral college supported Grover Cleveland. He is a Democrat in politics.

He is devoted to his profession and his power as a lawyer is demonstrated by the thoroughness of his mastery of the science of law and the skill and ability with which he applies its principles to given cases. Beyond and above all, he is a student of law, a student of humanity and a student of the tendencies of the times in which he lives. Study, work, determination and vigilance have all contributed to his success. His devotion to the interests of his clients is proverbial, and his integrity is unassailable.

On the 18th of November, 1874, was celebrated the marriage of Mr. Lockett and Miss Belle Atkinson, daughter of John C. Atkinson, a merchant and twice the mayor of Henderson. They have four children, namely: Matie Atkinson, John W., Virginia and Belle Walker. Mr. Lockett and his family are Episcopalians.

HARRY MORGAN STANLEY, of Henderson, was born on the 17th of November, 1864, in Henderson county, Kentucky, a son of Nathaniel Green and Frances (Jenkins) Stanley. His father was a planter and early settler of this county, and was a representative of an old North Carolina family, whose establishment in America antedates the Revolutionary war. Mrs. Stanley-McAllister, who married a second time and is again a widow, was a resident of Buffalo, New York, where lived her father, Commodore Jenkins, an extensive owner of lake vessels, engaged in commercial and passenger service on the Great Lakes. They were descended from the Pilgrim fathers.

Mr. Stanley of this review was educated in the schools of Henderson and in his own home under private tutors. He was fitted for his professional career in Yale College and was graduated in the law department of that institution in the class of 1887, receiving the degree of LL. B. He was then admitted to the bar in New Haven, Connecticut, and upon his return to Henderson was

licensed to practice in the courts of the state.

In 1890 he was elected judge of the city court of Henderson and was re-elected and served in that capacity until 1894. His administration of the duties of that office included the enforcement of the city ordinances, and this task was most acceptably and faithfully performed, establishing a rule of order and producing a feeling of safety within the limits of the municipality that has made Henderson one of the most charming cities of the state.

The appreciation of his ability to fill that office is shown by the fact that though he would not again run for or accept the office, the mayor, though of opposite political faith, has persuaded him to accept the appointment of judge *pro tem.* to act in event of the sickness, absence or disability of the judge-elect.

Mr. Stanley's practice is of a general character, including both civil and criminal litigation, and although he is one of the younger members of the bar he is reputed one of the rising attorneys of the city, highly esteemed for his sterling integrity, his industrious habits and his attention to his client's interests, which he cares for with all the energy of youth.

He is a Democrat in politics, but prefers his profession to political office, which he has never sought, though he was the Democratic campaign chairman of his county during the national campaign of 1896, and as such did splendid work for his party. His effective work led to his election to the position of chairman of the county Democratic committee, and also of the judicial district committee. Socially he is a member of the order of Knights of Pythias and of the Benevolent Protective Order of Elks, and he is also a member of the college law fraternity of Phi Delta Phi.

IGNATIUS A. SPALDING, of Morganfield, has been a member of the bar of this place for thirty-seven years and has been identified with the interests of the city from his infancy, for his entire life has here been passed. He was born on the 3d of December, 1833, a son of Ignatius A. and Ann (Huston) Spalding. His father was born in St. Mary's county, Maryland, in 1790, and his business career was devoted to agricultural pursuits and merchandising. He came to Kentucky with his parents at the age of three years, the family first locating in Washington county. His wife was the daughter of William Huston, a lieutenant of Captain Barnett's company of Colonel William Washington's battalion, which was attached to the commands of Generals Greene and Morgan in the war of the Revolution.

Mr. Spalding of this review was educated in the common schools of Union county and at St. Joseph's College, of Bardstown, Kentucky. He was admitted to practice in 1860, and almost from the beginning has held marked precedence among the members of the bar of Union county, retaining a *clientele* of so representative a character as alone to stand in evidence of his professional ability and personal popularity. His practice has been general, embracing every department of the law, and he has been retained as counsel in nearly every case of importance that has been heard in the courts of this section of the state. In one particular his record is probably unparalleled: throughout his long career he has always succeeded in averting extreme penalties by his defense in criminal suits, life imprisonment or the

death sentence never being inflicted upon one of his clients. He is an earnest and eloquent speaker whose fervid utterances have the ring of truth and honest conviction, swaying the minds of the hearers, as with pathos, humor or logic he plays upon their emotions.

Whatever else may be said of the legal fraternity, it cannot be denied that members of the bar have been more prominent actors in public affairs than any other class of the community. This is but the natural result of causes which are manifest and require no explanation. The ability and training which qualify one to practice law, also qualify him in many respects for duties which lie outside the strict path of his profession, and which touch the general interests of society. Mr. Spalding has been an active factor in the political and public life of his county and has largely aided in shaping the policy of the state. He has been called to many offices of honor and trust, served as a member of the board of commissioners that erected the beautiful and substantial courthouse of Union county and was the sole commissioner authorized to plan and erect the county jail, which is a model structure, combining the greatest security with humane provisions for the inmates. Mr. Spalding was also the author of the road law which was adopted and put into working force in Union county, and has since been incorporated in the general statute law of Kentucky and other southern states, to the great advantage of those sections where it is in use. He has been named by his county as its choice for congressional honors and has represented his district in both houses of the state legislature. He was the author of the constitutional provision providing for a board of railroad commissioners for Kentucky, and had served on the board for five years prior thereto, while from 1888 until 1892 he filled the office of its chairman. He was onee delegate at large from Kentucky to a Democratic national convention, and was an active and influential member of the constitutional convention of 1890, which framed the present organic law of the state. He is most conscientious and faithful in the discharge of every trust committed to his care, his loyalty to the best interests of the state is above question and his name is closely identified with measures which have proved of the greatest benefit to the commonwealth. His address is pleasant, free from all affectation, with voice and gesture well in accord with the thought which ever dominates his utterances, unobscured by the adornments of rhetorical effect or elocutionary power, which however he can use with telling effect when occasion demands.

Mr. Spalding was married in 1855 to Miss Susan A. Johnson, of McLean county, Kentucky, a daughter of John and Lucy (Huston) Johnson. They have one son, J. J. Spalding, now a practicing lawyer of Atlanta, Georgia. Mr. Spalding wields a strong influence in the councils of the Democracy, is esteemed by his neighbors, valued as a friend and accorded a leading place at the Union county bar.

KEN CHAPEZE was born in Bardstown, Nelson county, Kentucky, on the 4th of October, 1836, and died on the 13th of September, 1889. Fortunate is the man who has back of him an ancestry honorable and distinguished, and happy is he whose lines of life are cast and continued in harmony therewith. In character and in talents Ken Chapeze was a worthy scion of his race,

which has furnished to Kentucky a number of her eminent sons and leading lawyers, including his father, the renowned Benjamin Chapeze, of Bardstown, who was a successful lawyer of Nelson county. His mother was Elizabeth (Shepard) Chapeze, daughter of Adam Shepard, in whose honor was named the town of Shepardsville, Bullitt county, Kentucky.

Ken Chapeze was carefully educated in his own home, and later continued his studies in St. Mary's College, near Lebanon, and in St. Joseph's College, of Bardstown. He pursued his legal studies under the personal supervision of Colonel Philip Lee, who was later recognized as one of the most brilliant members of the Louisville bar. He was admitted to practice in the courts of the state in 1857, and in the same year was elected county attorney of Bullitt county, where he then resided. He was just entering manhood at the time of his election, whereby he defeated Matt P. Sanders, an old and well-established lawyer, who was his opponent in the race. He completed his term in 1862 and so acceptably had he discharged his duties that he retired from office as he entered it,—with the goodwill and confidence of the entire public. His sympathies during the Civil war were with the south, and by his activity in its interests he aroused the antipathy of the Federal authorities, who made his life in Bullitt county very uncomfortable, and in 1864 he removed to Union county, where soon afterward he was appointed county attorney. He declined to become a candidate for the office at the ensuing election, preferring to pursue the private practice of law, which he continued until his death. He was the attorney in many exciting and important murder cases, where his careful weighing of the evidence, his clear presentation of facts and his impassioned eloquence won him many a notable victory. He was also connected with much of the civil litigation in his circuit, and his clientage was extensive. He was a thorough scholar, a close student, an able advocate and a thoroughly reliable and trustworthy counsellor.

In June, 1868, Mr. Chapeze was united in marriage to Miss Virginia Hancock, of Henderson county, a brilliant and cultured Kentucky lady, whose gracious hospitality is one of the charms of her home. Their family included Ken Chapeze, Jr., a young member of the bar, now following in the footsteps of his illustrious father, and adding to the good name and fame of the Chapeze family in the legal circles of Kentucky. Though the life of the father was one rather of modest reserve than of ambitious self-seeking, he showed himself a peer of the brightest men of the bar; he richly inherited the gifts of intellect and oratory of a family which has added luster to the pages of state and national history through successive generations for a century.

WILLIS G. HUGHES, a leading member of the Morganfield bar, was born in Washington county, Kentucky, in 1816, and died in Union county, in 1863. His father, Edward Hughes, was a native of Ireland, and after his settlement in Kentucky, married Letitia Reed, a native of Lincoln county. He was a farmer, and followed that pursuit throughout his life. Willis G. Hughes became an inmate of the home of his uncle, James R. Hughes, of Morganfield, where he was reared to manhood and acquired his literary education. A taste for study and a retentive memory caused him to be later recognized as one of the best in-

formed men at the bar. His choice of a life-work fell upon the law, and he assiduously applied himself to the mastering of the text-books. After his admission to the bar he established an office in Morganfield, where he continuously made his home until his death. The characteristics of his life were great mental strength, clearness of thought, concise and pointed argument and incontrovertible logic. He was ever a close student, and his care in the preparation of his cases was a potent element in his success. As he gave evidence of superior ability, his practice became extensive in every branch of his profession, and he was retained a counsel for the defense or prosecution in almost every important litigation in the civil and criminal courts during his active connection with the bar. He was indefatigable in his labors to secure his clients' interests, and his eloquence is yet the theme of many a reminiscence of the Morganfield bar.

In the trial of Colonel Hall for the murder of Dr. Newell Taylor his address was a masterpiece of eloquence, logic and legal acumen, and fully equaled the efforts of the forceful and eminent advocates, Archibald Dixon and Lazarus Powell, who were counsel in the same case.

He represented Union county in the state legislature, and was a candidate for the office of lieutenant-governor. During the war he espoused the cause of the Union, and lent his aid and influence in the legislature to keep Kentucky true to the national government.

Mr. Hughes was twice married. In 1835 he wedded Miss Mary Ann Davis, daughter of Joshua and Permelia (Given) Davis, and after her death he wedded Miss Bettie Barbour, daughter of Moses and Sarah (Morrison) Barbour.

SAMUEL CASEY HUGHES, of Morganfield, was born in Union county, July 5, 1826, and spent his entire life there. His parents were James and Rachel L. (Givens) Hughes, and his grandparents were Edward and Letitia (Reed) Hughes. His father served in the war of 1812, and for many years was clerk in the county and circuit courts in Washington county, Kentucky.

Samuel C. Hughes began his education in the common schools of Morganfield, which was afterward continued in St. Mary's College, of Marion county, Kentucky. He also spent two years in study in the Transylvania University, of Lexington, Kentucky, and read law under the instructions of his uncle, Willis G. Hughes. In 1856 he was admitted to the bar and for many years was an active practitioner in Morganfield. He was especially successful as a criminal lawyer. He was a forceful speaker, whose earnestness never failed to impress his hearers, while his masterful arrangement of the evidence and logical statement seldom failed to carry conviction to the minds of judge or jury. As judge he performed his duties with a dignity that upheld the majesty of the law, while his fairness won him the unqualified commendation of the public.

Mr. Hughes married Miss Judith Martin, of Union county, a daughter of Hudson and Elizabeth Martin, both natives of Kentucky.

DANIEL HENRY HUGHES, SR., was born in Springfield, Kentucky, on the 17th of July, 1833, and died in Morganfield, on the 11th of August, 1890. In the earliest period of Kentucky's development the family was founded in this state, since which time year after year has silently dropped into the abyss of time, as a leaf

falls in the forest, until a century has been completed. Edward Hughes, a native of the green Isle of Erin, and a farmer by occupation, settled in this state and was married here to Letitia Reed. Since that era the family has furnished four well known and prominent members of the bar of Morganfield who have borne the patronymic of Hughes. The father of the subject of this review was John Reed Hughes, a native of Lincoln county. He was a loyal defender of his country during the war of 1812, serving on the staff of General Peter Dudley, and for many years he filled the office of clerk of the county and circuit courts. His death occurred in 1833. His wife, Mrs. Martha (Nantz) Hughes, was a daughter of Frederick Nantz, a farmer and a native of Prince Edward county, Virginia, who in the war of the Revolution aided the colonists in their attempt to throw off the yoke of British tyranny.

Daniel H. Hughes obtained a thorough education, whereby he was fitted for life's responsible duties. As a boy he attended the common schools of Springfield and Frankfort, Kentucky, and later pursued his studies in the preparatory school conducted by Professor B. B. Sayre, at Frankfort, where he prepared for college. He was graduated in Center College, of Danville, June 26, 1852, with the degree of Bachelor of Arts, and entered the law office of his uncle, Willis G. Hughes, of Morganfield, with whom he continued his studies until admitted to the bar in January, 1855. He continued in the active practice of law until his death, with the exception of brief periods, when by appointment he served as county and circuit judge. He had a comprehensive knowledge of the science of jurisprudence, and was also well informed on the issues which concern the public welfare of state and nation. This led his fellow townsmen frequently to solicit him to become a candidate for public office, but he steadily refused, preferring the field of his professional labor and the enjoyments of the home circle to the honors and emoluments of public life. He was tendered the nomination for congress, but declined the honor.

At the bar Mr. Hughes was renowned for his careful preparation of cases. He gave to the cause entrusted to his care the deepest study and most earnest thought, and his thorough familiarity with the contested points made it impossible to surprise him along any line of attack in the court-room. He guarded the interests of his clients with the vigilance with which he cared for his own. He was especially strong in pleading and in argument, and the logical sequence of his deductions was rarely called into question. His practice embraced almost every important civil and criminal case tried in this section of the state. Only once did he prosecute a man charged with crime; he defended in many noted criminal trials and was almost invariably successful in averting capital punishment, but one client having been sentenced to death. His practice in civil cases was very extensive and he frequently had in charge the litigation concerning the disposal of large landed estates or the settlement of questions of corporate interests.

DANIEL HENRY HUGHES, JR., of Morganfield, was born in the city which is still his home, May 31, 1862. He is a younger representative of a family that for more than half a century has furnished to the Kentucky bar leading representatives,

men distinguished for their legal merit and their successes in both civil and criminal law practice. His father was Daniel H. Hughes, Sr., for many years a distinguished representative of the Morganfield bar.

He acquired his preliminary education in the schools of his native city, after which he spent two years as a student in the State University of Virginia. He pursued the study of law in the office of his father in Morganfield, and since his admission to the bar, in 1885, has been connected with the active practice in that city. He is of an ambitious nature, great energy and determined purpose, and has already won an enviable place in the ranks of the profession. His political support is given the Democracy.

On the 10th of December, 1895, Mr. Hughes was united in marriage to Miss Maggie Waller.

WILLIAM FRANKLIN BERRY was born in Union county, Kentucky, on the 24th of May, 1828, and died in Uniontown, on the 12th of February, 1893. He descended from honored pioneer ancestry whose identification with the history of Union county began almost with the birth of the present century. His father, Martin M. Berry, was born here August 10, 1805, and having arrived at years of maturity married Miss Rachel F. Anderson, who was a native of the same county, born in 1808. The grandfather, who was the founder of the family in Kentucky, was a native of Virginia and established the first ferry on the Shenandoah river in the Old Dominion, the place still being known as Berry's Ferry, and noted in modern history as the scene of historical events. The progenitor of the family in this country came to America with Lord Fairfax and representatives of the name were surveyors engaged in the location of land grants in the Old Dominion.

William Franklin Berry was educated in the common schools of the county of his nativity and by his studious habits, close application and extensive reading, supplemented by a retentive memory, gained an excellent education. In his early manhood he devoted his energies to mercantile pursuits for about ten years, being recognized as one of the leading business men of Morganfield, where he resided until 1859, when he removed to Uniontown in the same county and engaged in dealing in tobacco. It had long been his cherished desire to enter the legal profession, and during his leisure moments in his mercantile career he pursued his legal studies, and so thoroughly prepared himself for the bar that he successfully passed an examination and was admitted to practice in 1860. After the war he entered on the active career of a lawyer, which he continued up to the time of his death.

Mr. Berry became distinctively prominent in the community, and was honored for his inflexible integrity of thought, word and deed; for his vigorous and forceful individuality and for his eminent spirit of justice and charity. He represented his county in the state legislature, serving as a member of the house of representatives in 1881–2 and as state senator from 1886 until 1890. He also served in official position in the county and discharged every duty committed to his care with the most absolute fidelity. He was a careful, earnest worker in his profession and a close student of his cases, guarding with the utmost power the trust confided to him. While his power as an advocate did not lie in eloquence or oratorical effect,

he was nevertheless a forceful and logical speaker and his utterances carried conviction to the minds of his hearers. Holding marked precedence among the members of the bar of Union county and retaining a *clientele* of so representative a character as to alone stand in evidence of his professional ability, it is but meet that he be accorded recognition in this volume.

On the 24th of March, 1857, Mr. Berry was united in marriage to Miss Ann L. Berry, of Union county, a distant relative of his family. She was a lady of superior intelligence and many accomplishments. Their only son is Willis Alvin, who has followed in his father's footsteps, and is now a member of the legal profession of Union county. William Franklin Berry, while not a member of any religious denomination, was an active and earnest worker in the Presbyterian church and served for several years as superintendent of the Sunday-school, a trust which he highly appreciated. He left behind him a record of a well spent life, the keynote of which was justice and honor. He was the architect of his own fortunes and builded wisely and well, establishing a character above reproach.

WILLIAM ALVIN BERRY, of Uniontown, was born on the 17th of January, 1870, in the city where he still resides. He was educated in the public schools of Union county, and studied law with his father, William Franklin Berry, a distinguished member of the bar. On the 24th of August, 1890, he was admitted to the bar and entered into partnership with his father, a connection which was continued until the latter's death, since which time he has been alone in business. He has built up an extensive practice as the result of his faithful care of all interests entrusted to him, and is a student, examining with great thoroughness the questions involved in the litigation with which he is connected. He is an able and effective speaker, whose mode of expression is most happy, and he is quick to note his opportunity. He has been prominently mentioned in connection with the office of county attorney and for several years has been secretary of the Democratic county committee. He is one of the wide-awake, enterprising young leaders in Democratic ranks and his influence is strongly felt among the young men of his native city.

On the 22d of April, 1896, was celebrated the marriage of Mr. Berry and Miss Pearl Baker, of McCracken county, Kentucky, an accomplished and beautiful woman, who has made their home the center of a cultured society circle. She is a daughter of John W. Baker, a prominent tobacconist of Paducah, Kentucky, and grand master workman of the Ancient Order of United Workmen of Kentucky.

D. B. Douglass

BENCH AND BAR OF SOUTHWESTERN KENTUCKY,

OR WHAT IS KNOWN AS JACKSON'S PURCHASE.

BY Q. Q. QUIGLEY, PADUCAH.

TO WRITE an article on the bench and bar of southwestern Kentucky would require us to search the records of the various counties and to find the oldest citizens, and get their recollections of the judges and lawyers as far back as 1822. Lack of space forbids a too exhaustive treatment of the subject.

When the first courts were held in what is known as Jackson's Purchase, or that part of the state west of the Tennessee river, the country was sparsely settled by men seeking homes and hunting a territory, so that when crops and meat failed the forest would supply food for the family. Wild game of every kind was plentiful and every man a good marksman. Not many of them had what was called "book learning," but as a rule they were brave, courageous and kindly disposed. They knew little of law as written in the books and expounded by the judges and argued by the lawyers. Both judges and lawyers were regarded as a superior class of men; their opinions and arguments were listened to with great attention and respect, and had much to do with molding the minds of the people and establishing a profound respect for the law in their community.

Judges were appointed by the governor up to 1850, and, as a rule, were chosen for their legal ability, learning and influence among the people and the lawyers of the district; and rarely was a mistake made in the appointment of a judge, which appointment was for life. Under this method it was very rare to find more than one man living in a district who was entitled to be called judge, and the people were then as anxious to see and know the judge as they are now to see a man of noble title from across the ocean. He was regarded the highest type of man. His opinions not alone upon the law of right and wrong were sought after, but upon questions of morals and religion, and were repeated to the neighbors. So that, in fact, he may be said to have been the most effective educator of the people, and the effect of his influence incalculable.

In those early days there were no county judges nor police judges as there are now; short terms of office in all of the counties have enabled scores of men who wear the title of judge until to be called judge is no more of a distinction than to be called colonel in Kentucky. The idea that when you look upon a judge you see a man profound in the learning of the law and righteous in its administration, no longer exists,

as then. Judges have become so common that the idea that they are clothed about with the majesty of the law, no longer exists, as in former times. His opinions have little more influence on the citizen than those of any other man, even when he speaks *ex cathedra*.

Fortunately for southwest Kentucky, the judges who presided in its formative period were all men of high character and more than average ability; and from 1822 to 1850, there had been only four who presided over all that part of the state west of the Tennessee river, in the following order: Hon. Benjamin Shackleford, Rezin Davidge, James Campbell and W. P. Fowler. Benjamin Shackleford was a man of commanding appearance, high moral character, and all the time lived in Hopkinsville, Kentucky. He seems from the records merely to have organized the courts in this section, and there are perhaps not fifty men living in this section who ever saw him. This part of the state was soon made a circuit district, and Rezin Davidge appointed judge. He came to the bench when quite young, won the respect of the bar, was rather eccentric, had strong convictions and maintained and enforced them.

One of the most dramatic circumstances transpiring while he was on the bench was at the trial of a white woman in Graves county for murder. The jury returned a verdict of guilty. After the jury had been polled the judge rose from his seat and said: "I have never seen a woman hanged and the records of my court shall not show that I ever passed sentence of death upon a woman; and no woman shall be hung while I am judge of this court. Mr. Clerk, set aside the verdict of the jury and grant a new trial." The writer gives this from hearsay. This incident goes to show that the chivalry of the man for the sex outweighed and overthrew the strength of the law. The action of the court created a profound sensation, but was approved by most of those who were present. At a future trial the woman was acquitted. He died early in his career, but having given promise of a life of usefulness and won the good opinion of the bar and people.

The Hon. James Campbell, a Virginian by birth, was appointed to succeed him. Though rather low in stature his bearing was commanding and his manners courtly. Perhaps he was the only lawyer at the bar who had the benefit of a classical education, and was quite a young man at the time of his appointment. He filled the position of judge but a short time, when he resigned, very much against the wishes of the bar. He liked the active practice more than to warm the wool sack. He was for years one of the leading practitioners of the law of the state, a skilled and technical pleader and in persuasive power, perhaps, the equal if not the superior of any of his contemporaries. His language was chaste, pure and classical. He never used a redundant word. In his impassioned moments while speaking he rose to the plane of the finished orator. He was an adversary any man might fear in the management of a case either at law or in chancery. As a conversationalist he was bright, entertaining and instructive, but was rather retiring in his habits, by no means a gushing or society man. He was a man who liked his friends and commanded their respect; self-poised, self-reliant; was kind and courteous to the young members of the bar, and never used his powers for his amusement or gratification in the argument of cases on which a young attorney was on

the other side. For many years before his death he retired from practice and enjoyed *etium cum dignitate*, frequently, however, dropping in upon his old friends for half an hour's chat, and occasionally going to the court-house, seemingly to look upon the theater in which he was formerly one of the leading actors. He lived to be an octogenarian, and came to his death with calmness and composure. The man lives in the memory of all who knew him well as a sturdy, self-reliant man, who won and wore his honors with becoming modesty.

W. P. Fowler was appointed judge to fill the vacancy made by the resignation of Hon. James Campbell in 1839. He was a self-made man. Before he studied law he was a great hunter, and traversed the fastnesses and wilds of the country in search of sport and adventure. He was at home with the people and gathered and garnered many of their quaint expressions and sayings; he delighted to recount them and did so with the skill of an actor, suiting his voice and facial expression and person to bring before the minds of his hearers the individuality and surroundings of men or things; he would lose himself in his impersonation. His coming to a county to hold court was looked forward to by the bar and people with delight; and happy were the men who fortunately were on the jury, as the position gave them reserved seats to his entertainments.

It was his custom to go to the court-house an hour before opening court, taking his seat inside the bar. Lawyers, jurymen and others soon filled up the space around him; and after a cordial shake of the hand and inquiry as to the health and crops, the judge would ask the loan of a pipe and some tobacco from some one, generally of the yeomanry, and proceeded very deliberately to fill and light it. While taking the first few draws he would look around upon the crowd, his face beaming with good nature and kindness, and after a pause he would begin to relate some incident of his life or some saying of a witness, detailing the matter and the manner of the witness until the whole crowd would be convulsed with laughter. Frequently, however, he would inject into his conversation stories of some trait of character that would call forth the commendation or the applause of his hearers, sending home a moral lesson to germinate and flower, or a thorn to puncture vice. Then knocking the ashes from his pipe, he would rise from his seat, return the pipe with a smile and "I thank you;" would turn his eyes to the bench, straighten himself to his full height, and his face and form assume its most dignified expression, walk slowly to the bench, turn and face the auditorium, and before he could order the sheriff to open court, every one had uncovered his head, and quiet and respectful silence prevailed. At once he looked the calm, dignified judge. A complete metamorphosis had taken place in his manner as well as in the audience, a transformation scene which impressed all, for now justice and right were to be meted out under his rulings; humor had fled and solemn and stern duty was enthroned. It was a grateful and impressive object lesson. His acknowledged uprightness and honesty bore down all desire of criticism on his opinions, and few appeals were taken from his decisions. They were generally accepted as harmonious with equity and good conscience. He occupied the bench up to 1850, after which he practiced for a time, but his long service on the bench had rendered practice irksome, and a new system

of pleadings called the "code" he could never reconcile himself to. He finally retired to private life, loved and honored by all who knew him. He grew old gracefully, and lived to an advanced age with a crown of good deeds bearing testimony to his worth.

The members of the bar and contemporaneous with Judge Fowler and who practiced with and before him were all men of high character and of great individuality. Though libraries were small, one soon learned to beware of the men of but few books, but of native ability, for all of them as a rule were well grounded in elementary principles. It would be difficult indeed to find a like number of men in similiar territory or any other their equals, certainly not their superiors. It would require too much space to give a personal history of each one, or attempt to set out their particular ability as compared one with the other. Their names and striking characters will have to suffice.

From 1822 to 1850 the more prominent were J. B. Husbands, R. L. Mayes, James Campbell, James Gibson, Owen G. Cates, E. I. Bullock, John W. Crockett, George Woolfolk, John L. Murray, W. P. Fowler, David S. Patton and Benjamin Dudley, all of whom traveled the circuit, attending the courts in all the counties twice a year.

The lawyer of to-day has no idea of the character of those congregations of lawyers and the good fellowship which reigned universally among them. They were men, the very knight-errants of honor in their bearing toward each other in the court-house, and the very chief of boon companions at the tavern after court had adjourned for the day. Each vied with the other to bring with him to every court some new experience, some novelty in characteristics of men and things, new jokes, new experiences and new quiddities.

After supper they would all meet in the room of some one of the attorneys, most frequently in the judge's room, where the fun grew fast and furious as one after another treated the assembly to his quota of mirthful mental pabulum in his effort to eclipse all precedent adversaries. Often, after this grew tiresome, questions of ethics, morals, religion, metaphysics, biology and physiology would be taken up and discussed, with many flashes of wit. When bedtime arrived, each one felt that he was the better and wiser because of the interchange of thoughts with his brother lawyers. Occasionally a quorum did not put in its appearance, but the reason therefor was scarcely ever inquired into, because the evidential rule was recognized that a man could not be required to accuse himself! Hence, surmise and conjecture had to stand unsupported by evidence.

The equipment in those days for judges and lawyers was a pair of large saddlebags, with room enough for his clothes and a few books which he could not risk finding. Sometimes books that ought to be in the court library were *non est inventi*, but made their appearance after court adjourned. Then he must have a heavy overcoat or blanket with which to protect himself against cold and rain. Umbrellas were but little used, but leggings universally. They were made of woolen goods and were bound about the leg, tied above the knee and were buttoned down to the ankle, when properly fastened covering most of the foot; a good pair of overshoes in very bad weather, a cowhide or riding whip. With all these he was ready to mount his horse. The horse was of supreme importance for many reasons: he must have all the qualities desirable,—style,

gait, color, movement, bottom and intelligence, and be a good swimmer.

Usually no lawyer ever traveled alone while going the circuit: they went in pairs or groups; and what was more likely to arouse emulation than a desire for the best horse? There was more in this than one would think, for it was true in those days especially, a man was greatly measured by the character of the horse he rode, and the horse's movements were a reflex of the man's. Spirit and "go" indicated the character of the man. It was quite interesting to note the watchers standing about the tavern on Sunday evening before court on Monday. Stable boys, waiters and men of the village were on the lookout for the arrival of the lawyers, and as soon as the head of the first horse began to show the shout would go up, "Yonder comes Mas' Jedge; see how the old roan swings along." Then another would sing out, "Nigger, you don't know a fine horse when you sees it; don't you see Mas' Ed. Bullock's bay,—how he holds his head and walks flat-footed away from old roan? Ha! ha! nigger: I told you so,—the bay a little ahead of the roan." Often times trials of speed were had between horses along the country roads; in fact, the horse came to know his master well and when called on would put forth his best exertions in bearing his owner to victory.

Alas! we see no more these charming sights of yore! New methods have come in vogue and the past lives only in Memory's chambers.

Of the individualism of the lawyers above named it may be said that J. B. Husbands combined seeming non-conjunctionable qualities. He was a man of attractive and graceful appearance, pleasant voice, gentle manners; was a close, hard student, painstaking and methodical in his profession, but in the management of his own affairs he was careless, improvident. He was perhaps the most fluent speaker of all the members of the bar, ofttimes tender and pathetic, scarcely ever cyclonic, but highly persuasive.

R. L. Mayes was tall and angular, calm and composed in manner, logical and cogent, but his voice was not musical; of fine social qualities, but dry in his humor, careful and prudent; rarely ever uttered a word of which he did not know and feel the full effect.

James Gibson was a character. He was not a student, never had been, but of strong physique and very forcible in the presentation of his ideas, illustrating them by quaint and uncommon sayings, and, by the use of every-day matters, often unhorsed the more scholarly adversary. Many of his sayings were of common use; one of them was that "gentility without ability was like puddin' without sauce."

E. I. Bullock—how shall I be able to give anything like a pen sketch of him satisfactory to myself? He was about six feet tall, rounded and symmetrical, his head and brow not heavy but in perfect harmony with the body, an Apollo among men. His every movement was graceful, yet commanding; culture and thought were written upon his brow, refinement in all his actions, entertaining in conversation, broad, deep and far-reaching in description, the peer of any man in the knowledge of the law and its literature, captivating both in his persuasive manner and his knowledge of the law. He was appointed to fill a vacancy on the circuit-court bench and filled the position for about a year, in which capacity he was never surpassed by those preceding or succeeding him. Such was his knowledge of

the law that rarely did he wait for authorities to be hunted up, and his administrative ability made the law's delay leap to conclusion.

John W. Crockett, a cousin of Bullock's, was a marvel and a mystery to the profession in many respects. He seemed to leap into the arena fully armed and equipped for the fiercest fight and legal battle with its most renowned barristers while nothing more than a boy in age and appearance; and soon the scalps of chieftains hung at his belt. His star shot up meteor-like, but not so to fade, for it grew brighter and brighter as the years went by, and he was recognized as one of the masters of the craft throughout the state. He was strong, terse, logical, but nothing ornate or rhetorical in his speeches. He seized upon the strong facts in the case and so presented and welded them together in his argument, always keeping commanding facts in commanding position and with such apparent sincerity and faith that won the confidence of the jury and generally won the case. He was rather morose in his disposition and not personally popular in his ways, nor sought the bubble reputation by hand-shaking, but but rested himself upon his mental force and power.

He was elected to the Confederate congress from Kentucky and so served during its life. He returned to Kentucky after the war, resumed the practice of the law, but his health failed, his mental faculties faded, and he was no longer the giant he once was; and soon death took him.

B. G. Dudley was among this coterie, its youngest, and beloved by all for his high moral character, his pure and unsullied life, and died young, preceding most of them to the grave before the full maturity of his powers.

Owen Cates, George Woolfolk, David S. Patton, William Husbands and John L. Murray were the peers of these heretofore mentioned, but the personal knowledge and recollection of the writer does not enable him to give a satisfactory description of their personalities and qualities, as he has attempted to do of the others.

None of them now live; they may not file motions to strike out from the record anything here written for want of verity, nor criticise the views herein expressed, nor fish out of their green bags a motion to correct the record, nor can they file pleas in abatement to any matter herein set down. The writer, who loved and honored them all, hopes that his failure to draw full and complete portraits of their respective individualities may be pardoned in the High Court of Chancery upon the plea that he did the best he could, and his deepest regret is that he could do no better.

Connected with the period above mentioned flourished also Judge Rufus K. Williams, Hon. Lucien Anderson, Hon. Oscar Turner and Hon. Linn Boyd.

Among the many incidents that transpired during the first years of the practice in this section that may be worth relating, one occurred in the Hickman circuit court, then held in Columbus. S. had been indicted for murder. The accused was a man of wealth and position, the evidence was mainly circumstantial, and the indignation of the community aroused to a great extent. Very naturally, local attorneys anticipated employment and good fees, and each anxious to make fame and reputation which was then oftener done in the criminal practice

than in the civil. Not one of the attorneys in the district was retained for the defense. The accused had employed Felix Grundy, of Tennessee, whose reputation as a statesman and criminal lawyer was national. Judge W. P. Fowler, James Campbell and Owen G. Cates volunteered to assist the prosecution. They felt very keenly what they regarded as a slap in the face because of the non-employment of any local attorney, and resolved that their power should be felt in the prosecution. After the evidence was closed, Fowler, Campbell and Cates made speeches for the prosecution, all of them alluding to the fact that the accused, so desperate was his case, had gone to another state for counsel, and had employed the Hon. Felix Grundy, the most renowned criminal lawyer in the south, who had been a senator of the United States, hoping by and through his power and reputation to defeat the gallows of its rightful fruit. The court, the Hon. Rezin Davidge, stopped the first speaker, saying that he was going outside of the evidence and the amenities and respect due to a member of the bar. Mr. Grundy rose from his seat, and asked the court to allow the young attorneys the fullest scope and latitude, and permit them to argue the case in any way they preferred without interruption. This covert thrust, of course, further enraged them, and they ran to the utmost limit in the denunciation of the accused and warned the jury against the skill and power of Mr. Grundy.

When Mr. Grundy rose to address the jury it was in the most respectful and dignified manner. He said he was glad to have heard the young gentlemen who had preceded him in the prosecution; that they had paid him, perhaps, compliments of rather a doubtful character; had warned the jury against his power and influence, and the jury had heard the court stop the gentlemen because they were going outside the proper line of discussion, and doubtless had supposed that their vigorous assaults would perhaps intimidate him (Mr. Grundy), but that he was not at all alarmed nor to be swerved from his duty; that it was true he had been and was then a member of the United States senate; that he had met in debate the strongest men of the nation; that he had stood before the jury in opposition to the ablest lawyers of the country, and he had some grounds for claiming to be heard in defense of the accused; that he was not to be intimidated by the assailment of the young counsel; that he felt very much like a sawyer imbedded in the bosom of the mighty and turbid Mississippi which flows in front of your town; that bows and sways its head to the rush of the waters until its place and location becomes known to all navigators as dangerous, and the proud steamers steer from close quarters with it, the keel and flat-boat pull for the other shore, giving it a wide berth; and now, gentlemen of the jury, there come dancing along a skiff, a canoe, and a dugout, bidding defiance to the old sawyer and running head on to test its resisting power. "What, gentlemen, do you think will be the result between them and this deeply imbedded snag? The result will be told by your verdict."

At the conclusion of the trial and verdict of the jury, which was an acquittal, Judge Fowler arose and addressed the court, saying, "If your Honor please, I would like for it to go on record that I was the skiff that tackled the sawyer;" and with all the grace and bearing of defeated adversaries

who properly appreciate the power of their antagonist and the fairness of his fight, all of them approached Mr. Grundy and congratulated him upon his triumph.

One other incident, which occurred in the McCracken circuit court, Judge W. P. Fowler presiding, greatly impressed the bar and by-standers. A suit had been brought by a husband against a wife in said court for divorce. The pleadings on both sides were very damaging to the character of both parties, in a moral way. Depositions had been taken to establish the contention on both sides. After the evidence had been read Judge Fowler left the bench and went into his chambers and asked that the plaintiff and defendant be shown in. After quite a lengthy consultation he returned into the court-house with the parties litigant and said to the clerk: "On motion of both plaintiff and defendant, let this action be dismissed." He then calmly went to the stove, opened the door and consigned the papers and evidence to the flames and they were burned up,—which was, perhaps, *ultra vires*, but no crime was committed.

Having written thus much in regard to the members of the bar who were on the stage of action, some of them, perhaps, at as late a period as 1870, I deem it unnecessary now to speak particularly and individually of the members of the bar who connect with the period of those heretofore written of, and leave that for some subsequent writer when the occasion arises for the publication of another book similar to the one now published. I might add that there are many men now living of distinction in the profession, and that the bar in this section will average with any other in the state in ability, power and culture.

OSCAR TURNER, lawyer, orator and statesman, occupies a place among Kentucky's most prominent men. Vigorous, independent, unselfish, upright and able, none ranked higher than did he. An indomitable will and determination to achieve distinction and lead a life of usefulness were conspicuous factors in his character.

Mr. Turner was born in New Orleans, Louisiana, February 3, 1825. He inherited intellectual as well as physical vigor and was born to become a leader of men. He came of a family of lawyers. His father was Judge Fielding Lewis Turner, a distinguished southern jurist, who was for many years on the bench of Louisiana ; his mother was Caroline Sargent before her marriage, daughter of Hon. Winthrop Sargent, governor of Mississippi; an uncle, Edward Turner, was a noted lawyer, and for many years judge of the supreme court of Mississippi ; a brother, H. F. Turner, of Henderson, is one of the leading attorneys of west Kentucky ; his two sons, Colonel Henry L. Turner, now deceased, and Oscar Turner, Jr., both adopted the law as their profession, and the latter now enjoys a lucrative practice at the Louisville bar.

The family owned large estates in Louisiana and Kentucky and spent portions of each year in both places. Oscar Turner was educated under the personal supervision of his father, attending the best schools of Lexington and New Orleans. He had large landed interests in Ballard county, Kentucky, where he took up his residence in 1843, and while giving his attention to the development of what was then a frontier region he took up the study of law with the purpose of making its practice his life work. To complete his preparation for this field of labor he later entered Transylvania Uni-

Oscar Turner

versity at Lexington, Kentucky, where he graduated in 1847 with high honors, returning then to Ballard county to enter upon the active practice of law. His industry and honesty, coupled with his talents and ability, enabled him to command a large clientage, and he speedily acquired the most extensive practice in western Kentucky, his professional duties taking him to all the courts held in that portion of the state and adjoining counties in Tennessee.

In 1851 Mr. Turner was elected commonwealth's attorney for his district. At that time the laws were very poorly enforced. He entered upon his duties with ardor, courage and tenacity of purpose ; his vigorous prosecution soon brought peace and order where chaos and confusion had prevailed for years. So efficient was his work that malefactors paid the penalty of their crimes or were driven from the boundaries of the state, and quietude became the rule rather than the exception. He served as commonwealth's attorney four years and resigned in order to pursue his more remunerative private law practice. He was equally at home in criminal and civil cases, and carried off the laurels in many a forensic encounter with the best legal talent of the state.

In 1867 Mr. Turner was elected to the state senate, serving four years, and was identified with all the beneficial acts of legislation that were enacted during that period. From the time that he first began the practice of law he was identified with the political affairs of his county, district and state. He was for many years chairman of the Democratic county committee of Ballard county, and for a long period chairman of the congressional committee of the first congressional district. He was always a Democrat and he took part in many heated political campaigns, measuring arms with the best speakers and strongest leaders of the opposing political parties. He was one of the leaders in the protracted and bitter struggle against the Know-Nothing party and met its ablest advocates in joint debate in many cities of the state.

In the early '70s he began the crowning political warfare of his career. The political affairs of the first congressional district were at that time controlled by a small body of men. Political conventions were the order of the day. These conventions were manipulated by a few shrewd leaders and the large body of the people had no share in them. Mr. Turner saw the abuses that existed and undertook to remedy them. Failing to do so within the party, he determined as a last resort to make an independent fight. In 1874 he became a candidate for congress and announced that he would submit his claims only to the people as a whole. He advocated a primary election, announcing that he would cheerfully acquiesce in any decision that might be made by the rank and file of the party. The party managers refused to call a primary, and Mr. Turner threw himself into the fight as an independent Democratic candidate. He was twice defeated, but in 1878 was elected by an overwhelming majority over Judge L. S. Trimble, the regular Democratic nominee. In 1880 he was re-elected by the largest majority ever given in the district; in 1882 he was elected, again beating the Democratic and Republican nominees. No man ever drew to him a more faithful or enthusiastic following, and there are few instances on record where one man, single-handed, has achieved such success, when working against such determined opposition. The party

press and some of the ablest orators of the state were arrayed against him, but he persevered in defense of the right. His fight for principle against corrupt influence in his party organization gained for him the sobriquet of the "Outlaw,"—applied to him by his enemies, the followers of the regular party nominee. Mr. Turner glorified in being so called and his people nobly sustained him.

During his six years' service in congress Mr. Turner made a national reputation. He was a working member, and no congressman ever looked after the interests of his constituents with stricter fidelity or greater assiduity. He was a leader in the long battle for tariff reform, and in the presidential contest of 1880 many of his speeches were circulated as campaign documents by the national Democratic committee. He took an important part in drafting the laws that regulate inter-state commerce. He forced the adoption of several salutary amendments to the rules of the house of representatives, combated extravagance and advocated retrenchment in every department of the government. He secured many substantial appropriations for his district, among them the allowance of one hundred and fifty thousand dollars for the beautiful custom-house of Paducah, and left nothing undone that would subserve the interests of the whole people. He was a speaker of extraordinary ability. He had little of the art of the politician in his make-up. He was no electioneerer. Except to his personal friends he was reserved and distant, but he won admirers and supporters by the sheer force of his splendid intellect, by his undeviating fidelity to principle and by his indomitable will power. He was aggressive, and once he marked out a course he followed it regardless of all opposition. In his youth Mr. Turner suffered from a serious accident. He was thrown with such force from a buggy that the muscles of one limb were severed, and the best surgical aid of the entire country could never completely repair the injury from which he suffered throughout his entire life; but, notwithstanding this affliction, to which a less indomitable spirit would have succumbed, he went through life with cheerfulness, meeting all of its varied obligations in a masterful manner.

At the age of twenty-nine Mr. Turner married Miss Eugenia Gardner, a member of one of the first families of Tennessee, a most beautiful and accomplished lady. Mrs. Turner proved a cherished companion and valued assistant to her husband. She entered heartily into all of his plans and shared with him every ambition and aspiration. The earlier years of their married life were spent happily on Mr. Turner's large farm of several thousand acres in Ballard county. The house is surrounded by large forest trees and the place was appropriately called "Woodlands." While serving in Congress Mr. Turner purchased the beautiful country place now known as Melrose, near Crescent Hill, four miles from Louisville, and after his retirement from political life spent much of his time there.

As a lawyer Mr. Turner had few equals. His research and wonderful memory, with his command of language and oratorical ability, made him a powerful opponent. His address before court or jury or on the stump was always logical, appealing to the reason of his auditors, and was fraught with such convincing argument that an impression was always made upon his audience. He was a faithful friend, a devoted husband and indulgent father. His wife, his daughter,

Mrs. W. J. Abram, and his son, Oscar, yet survive him. He died in Louisville, January 22, 1896, after a severe illness, during which his fortitude was well illustrated, being ever more solicitous of the welfare and comfort of others than for himself. He passed away, and his name was added to the roll of Kentucky's honored dead, but the influence of his noble life will long remain and his fame will grow brighter as with passing years bitter partisanship is forgotten and devotion to principle is recognized.

QUINTUS QUINCY QUIGLEY, of Paducah, was born in Paris, Tennessee, July 17, 1828. His father, James B. Quigley, a native of Pennsylvania and of Irish lineage, removed to Tennessee in 1820, locating in Paris. In 1829 he went to Clinton, Hickman county, Kentucky, and later to Milburn. He was prominently identified with the commercial interests of that section of the state as a merchant, manufacturer and tanner, accumulating a considerable fortune. His death occurred November 5, 1861. His wife, Mrs. Martha Quigley, was a daughter of Mathew Ogburn, a Virginian, who on moving to Tennessee located near Clarksville. He was of English descent, and was one of the earliest settlers in Montgomery county, Tennessee. Mr. and Mrs. Quigley left five sons and a daughter. Four of the sons became lawyers. Lafayette, who was born in Clinton, Kentucky, in 1840, died in Paducah in 1858. He was educated in Cumberland College, at Princeton, Kentucky, studied law under the preceptorship of J. W. Crockett, and was admitted to the bar in 1852. He was a gifted orator, possessed a ready wit and captivating manner, and his ready adaptability enabled him to meet with wonderful tact either the humble or the great. A brilliant and successful career seemed opening before him when death came. Henry, who was born in Clinton, Kentucky, April 1, 1834, and died in 1872, studied law under the guidance of his brother, Q. Q. Quigley, and practiced his profession in St. Joseph and in Troy, Missouri. His sterling character, his analytical mind, his fine attainments and high purposes made him an ornament to the Missouri bar. John G. was born September 16, 1838, and died in 1881. He entered the profession and practiced with great success in Arkansas and Texas.

Q. Q. Quigley was educated in his own home by private tutors, and when prepared for a collegiate course entered Cumberland College at Princeton, Kentucky, completing the entire classical course, with the exception of Greek. In October, 1848, he entered the law office of John W. Crockett, of Paducah, Kentucky, and was admitted to the bar in 1850, since which time he has been in active practice. He has devoted his time and talents to the law business entrusted to his care, eschewing politics and all other interests which would detract from his success as an attorney. The only exception which he has made to this rule was his acceptance of the office of trustee of the village of Paducah and his service as city attorney at a later date. He drew up the original charter for the incorporation of Paducah in 1856, and four years later he served as presidential elector for his district, supporting Bell and Everett. The high character of his law practice demonstrates his ability. Of broad culture and strong mentality, he is fully equipped for the profession which requires as profound, com-

prehensive and general knowledge as any to which man can devote his talents. He has been retained as counsel on some of the most important cases litigated in the Paducah district, and was the representative of the Prussian government in the case of the extradition of Dessling,—an attempt being made to arrest and extradite Dessling for fraudulent appropriation of money in Prussia. The case was hotly contested and the prisoner was finally discharged on a writ of habeas corpus.

In February, 1853, Mr. Quigley wedded Miss Mary E. Husbands, daughter of J. B. Husbands. During the period of the war he removed to his father's farm, where he remained three years. They have five children, Bruce, Isaac M., Quintus St. C., John H. and Mary Quintina, now Mrs. Langstaff. Mr. Quigley is a member of the Masonic fraternity. He also holds membership in Grace Episcopal church, served as vestryman for many years, and for fifteen years was superintendent of the Sunday-school.

WILEY PAUL FOWLER, of Paducah, was born in Smith county, Tennessee, on the 2d of September, 1799, and died in December, 1880, at the home of his son, Captain Joseph H. Fowler, of Paducah, Kentucky. During his early boyhood he removed with his parents to Caldwell county, Kentucky, the family locating near Princeton, where he was reared to manhood. His educational advantages were only such as the primitive schools of those days afforded, but through a long life he improved every opportunity to add to his store of knowledge and became recognized as a man of ripe scholarship and wide general information, with a practical fund of common sense that enabled him to readily assimilate the wisdom he had gained and apply it to the every-day duties of life. In 1817 a love of adventure caused him to take a trip to the southwest. Journeying toward the Mississippi he reached Island creek and passed through what is now the upper portion of Paducah, but the entire region was at that time undeveloped. He made his way to Texas, where he spent about two years, when the country was ceded to Spain and he at once returned to Kentucky. Locating in Salem, Livingston county, he took up the study of law, was admitted to the bar in the fall of 1823 and located in what was known as the Jackson district, west of the Tennessee river; but owing to the scanty settlement in that section of the state he sought a more lucrative field of labor in Salem, Livingston county, where he remained until 1835. In that year he became a resident of Princeton, where he secured a representative clientage, serving as counsel in connection with some of the most important litigation of that portion of the state. He was the contemporary of such prominent lawyers as George W. Barbour, James Campbell, Mat Mayes, Robert Patterson, David McGoodwin and James B. Husbands,—men noted for their superior talent and brilliant work at the bar; but though he met some of the ablest representatives of the legal fraternity in forensic combat he frequently carried off the laurels and thereby gained a reputation that numbered him among the most able members of that bar.

In 1839, by appointment of the governor,—which appointment was confirmed by the senate,—Mr. Fowler was made judge of the circuit court of the district and continued on the bench for thirteen years, during which time he presided over the first

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session of the circuit court in Ballard county in 1842, the same convening in the month of June at the residence of John Stovall, near Blandville. After the adoption of the constitution of 1849, which provided for the election of the judiciary, Judge Fowler, who was opposed to the system, declined the nomination, but he was again called to the bench of the fourteenth judicial district on its establishment in 1860. In 1862 he was re-elected and served in that capacity until 1868, when he retired from the bench and also laid aside his profession, with its multitudinous cares and responsibilities, to spend his remaining years in the quieter and more peaceful pursuits of the farm. He became one of the best known judges of western Kentucky, and his course was one which reflected credit on the bar of this portion of the state and showed forth in no uncertain light his own high legal attainments and judicial skill. His dignity on the bench, his freedom from all impetuosity and his full appreciation of the majesty of the law made him particularly fair and impartial in his decisions; and his logical reasoning, his clear deductions and his comprehensive knowledge of the law, as exhibited in his opinions, awakened the confidence and commanded the respect of the entire bar.

Deeply interested in the political questions and issues of the day, Judge Fowler was a supporter of the Whig party in early life and was a warm advocate of Henry Clay, but on the dissolution of that party he joined the ranks of the Democracy. In 1832 he was sent by his district to the general assembly, where he served one term. During the war the judicial district in which he held court was occupied by the federal and Confederate armies in turn, and Judge Fowler was arrested by the authorities of both. Upon his refusal to obey military orders emanating from the Union army, he received an order banishing him to Sherman's colony in Yucatan, there to remain until the close of the war, which threat and order were never enforced, however.

On the 15th of April, 1827, Judge Wiley P. Fowler married Miss Esther Araminta Given, a daughter of Dixon Given, a merchant of prominence. She died on the 1st of July, 1847, leaving five sons, all of whom were engaged in steamboating and other river interests, but only one now survives, Captain Joseph H. Fowler, president of the Paducah & Evansville Packet Line Company, which controls much of the transportation business on the river. In 1848 the Judge was again married, his second union being with Mrs. Sarah S. Burnett, who died in April, 1877.

In manner the Judge was most courteous, in temperament genial and social. He held a membership in the Methodist church for forty-five years, and was widely known for his integrity of purpose and honesty of life.

HENRY C. BURNETT, of Cadiz, Kentucky, was born in Essex county, Virginia, November 25, 1825, and died in Cadiz, Kentucky, on the 25th of September, 1886. His father, Dr. Isaac Burnett, of Essex county, Virginia, was a physician of pronounced ability and high reputation. Of scholarly attainments and literary taste, he gave much of his life to study, and few men were better informed on matters of general interest, while in the fields of literature he carried his investigations far and wide. He took much interest in the political questions of the day, and served in the

state legislature, both in the house of representatives and in the senate. He married a Miss Martha Garnett, in Virginia, who belonged to the prominent Virginia family of that name.

Henry C. Burnett came with his parents to Kentucky in his early childhood, and began his education in the common schools of Trigg county, after which he attended an academy at Hopkinsville. He began the study of law in the office of Judge Collins P. Bradley, of Cadiz, and in 1847 was admitted to the bar. In 1850 he was elected to the office of clerk of the circuit court, in which capacity he served for two years.

In 1854 he became a candidate for congress, against Linn Boyd, who had been a member of congress for fifteen years. The contest for the nomination was so close that an agreement was entered into by which Mr. Burnett withdrew from the contest, and Mr. Boyd agreed not to become a candidate against Mr. Burnett again. This agreement was carried out, and in 1855, at the age of thirty years, Mr. Burnett was elected to represent his district in the council chambers of the nation. On the expiration of his first term he was re-elected and was a member of congress at the opening of the Civil war, having served in congress six years.

The history of his campaign, opposed by Mr. Oscar Turner, of Ballard county, furnishes one of the most interesting episodes in the annals of the district. It is remembered to-day by the old men of the district, who love to tell the story of these jousts of wits, and who mourn the fact that oratory is a lost art.

Although originally opposed to secession, Mr. Burnett's strong sympathy with the south led him to resign his seat in congress in 1861. He left Washington in company with John C. Breckinridge and J. D. Bright, to take part in the rebellion. He returned to Kentucky and was made colonel of the Eighth Kentucky Infantry, and was with his regiment at the battle of Fort Donelson. Just before this battle he was elected to the Confederate States senate by the provisional legislature at Russellville, Kentucky, and served as a member of that body until the fall of the Confederacy, leaving Richmond just before its evacuation by General Lee.

Mr. Burnett returned to Kentucky by way of Washington, District of Columbia, where he reported to President Andrew Johnson, with whom he had served in congress, and who advised him to return home. He was, however, arrested in Louisville, and again in Cadiz, on the charge of treason, but was released on bond and never brought to trial, the prosecution having been dismissed, nor was he ever indicted. Resuming his law practice, he was as successful at the bar as on the hustings, and did a most extensive and lucrative business. His career, however, was cut short by death, September 28, 1866,—a victim of that dread disease, cholera.

Mr. Burnett was married April 13, 1847, to Mary A. Terry, of Cadiz, a native of Henry county, Virginia. They have three surviving children: the Hon. Henry Burnett, of Paducah, Kentucky; Mary and Muscoe.

Mr. Burnett was a member of the Christian church and of the Masonic fraternity. He was a gentleman of fine physique, commanding presence, with a clear, well modulated strong voice, and was a master of the art of oratory. His broad scholarship and his mental alertness produced a quickness at retort in the court-room and a readiness

Henry Burnett

at repartee in social life that were very effective. Withal he was a man of exceeding kindness of heart and great courtesy of manner, and had the affection of the people of his congressional district and the love and respect of all who knew him. He had the courage of his convictions to a marked degree, and he commanded the regard of even those whose opinions differed from his own. His life was true and noble, and his career served to add new brilliance to the fair name of his family.

While Mr. Burnett's fame rests mainly on his success at the bar and in the forum, it was in the domestic circle that his many virtues and lovable qualities were most distinguished.

HENRY BURNETT, the son of Henry C. and Mary A. Burnett, was born in Cadiz, Trigg county, Kentucky, on March 23, 1849. In the autumn of 1862 he, with his mother and sister, went south to join his father, who was at that time serving in the Confederate States senate. He was sent to Bingham's School in central North Carolina, where he had the honor of studying Bingham's Latin grammar in manuscript, just prior to its publication. Mr. Burnett to-day considers Bingham's as the ideal preparatory school for boys.

After four years spent in that time-honored institution, he was well prepared to enter the academic department of the University of Virginia, where he studied two years with a highly creditable record, and where he was instrumental in organizing a chapter of the X Ψ fraternity, which was not then in existence there.

His father's untimely death cut short the young man's long cherished dream of taking a degree, and he left college to begin at once the study of his chosen profession and to fit himself for the maintenance of his beloved mother and small brother and sister. He was at once offered a position as professor of Latin in the Belleview high school, near Lynchburg, by its principal, James P. Holcomb, who was an ex-professor of law of the University of Virginia. For two years he discharged the duties of this position, while prosecuting his own legal studies under that eminent jurist.

In the summer of 1870, at the age of twenty-one, Mr. Burnett moved to Paducah and opened an office. His waiting period was short and he was before long able to have a home for his mother, which he was proud to have her share.

To the surprise of his father's friends, he has never sought political honors, though he has taken a strong, wholesome interest in the affairs of the nation, and has been a well known and powerful figure in the Democratic conventions of his state. He was a delegate to the national convention which nominated General W. S. Hancock for president in 1880, and he was chairman of the state convention which nominated Luke P. Blackburn for governor. He was for years a member of the Democratic state executive committee, and had been an earnest and effective worker in the interest of Democracy until the recent rupture in the party's ranks found him on the conservative side of the money question. Tradition, sympathy, lifelong habit and a deep-seated belief in party organization made this a difficult position for Mr. Burnett, as for many another sound-money man,—but the nation's honor is more important than party affiliation. He could not do otherwise.

In his practice Mr. Burnett has devoted

himself almost exclusively to civil cases, and is to-day the leading corporation lawyer of western Kentucky. Care and precision mark the preparation of his cases, and his essentially clear-headedness enables him to grasp at once the salient points in a case, and to present them with unusual conciseness and directness. This quality of mind has made him most successful as an adviser and adjuster. His office practice is consequently large and lucrative.

In 1889 he formed the only partnership of his life with his brother-in-law, Clarence Dallam, an able young lawyer, who, after six years' pleasant association with Mr. Burnett, removed to Louisville, Kentucky.

Mr. Burnett was married to Miss Susanne Henderson Dallam, of Henderson, Kentucky, a great-granddaughter of Colonel Richard Henderson, the founder of the city of that name. Her father, L. C. Dallam, a member of an old colonial family of Maryland, was for twenty-five years president of the Henderson National Bank, and her mother was Mrs. Elizabeth Soaper. Mr. and Mrs. Burnett have three children, Elizabeth, Marie and Susanne.

For a number of years Mr. Burnett has served in the vestry of Grace Episcopal church.

WILLIAM SUTTON BISHOP, judge of the second judicial circuit, and a resident of Paducah, was born in Trigg county, near Cadiz, on the 18th of July, 1839, a son of Joseph and Elizabeth (Howard) Bishop. The family removed from Trigg to Ballard county about 1845, and there Judge Bishop was reared to manhood on the home farm, learning from his outdoor life many valuable lessons while supplementing the same by instruction in school. At the age of seventeen he entered Transylvania University at Lexington, and later engaged in teaching school, following this profession from 1855 to 1860 inclusive.

The following year the country became engaged in civil war, and with a loyal devotion to the south and the institutions amid which he had been reared, he entered the service of the Confederate States as a member of the Seventh Kentucky Infantry, under the command of Colonel Crosslands. He continued at the front until the struggle was ended, and participated in a number of the most important engagements of the war.

Upon his return home Mr. Bishop again taught school, and in January, 1867, was united in marriage to Miss Mary A. Hart, daughter of Samuel Hart, of McCracken county, Kentucky. He had read law under the preceptorship of Oscar Turner, member of congress from the first district of Kentucky, and in 1861 had been admitted to the bar, before entering the army. After his marriage he located in Blandville and entered upon the pursuit of his chosen profession with *Z.* L. Bugg, under the firm name of Bugg & Bishop, which partnership was continued until 1879. Afterward, from 1890 to 1892, he was in partnership with W. D. Greer, of Paducah. In 1879 he was elected to the office of judge of the common-pleas court, in which he served for six years, when he was re-elected for a second term. When the common-pleas courts were abrogated and the first election occurred under the constitution of 1890, Mr. Bishop was elected judge of the second judicial district, comprising McCracken and Marshall counties. This was in 1892, and his term covers a period of five years. He was a candidate before

the convention of the Democratic party for a position on the bench of the court of appeals in 1896, but was defeated for the nomination after a spirited contest between himself, Malcolm Yeaman and James D. White.

On the bench Judge Bishop is able, decided and earnest. He is thoroughly informed in the science of jurisprudence, his familiarity with all authorities being extensive and accurate. He is especially free from judicial bias, and his decisions are rendered with a fairness that appeals to all. Many important suits have come up for hearing before him and but few cases have been carried to the court of appeals, while very few, indeed, of his decisions have been reversed. He has a strong legal mind, and reasons on a legal proposition with rapidity and clearness, drawing his conclusions from his own analysis rather than from precedent.

Judge Bishop has three children—Henry, William R. and Joseph. He attends the Methodist Episcopal church, and in early life affiliated with the Independent Order of Odd Fellows, but is now connected with no secret organization. His political support is given to the Democracy, but he is not a politician, preferring to devote his time and talents to the law.

LAWRENCE S. TRIMBLE, lawyer and judge, was born August 26, 1826, in Fleming county, Kentucky. His father, James Trimble, was a farmer in that county, and was of Irish descent. His mother, *nee* Harriet Triplett, was a member of one of the prominent families of Kentucky, coming from Virginia, and of English ancestry.

Judge Trimble obtained a good English education and began the study of law in the office of Frank T. Hord in Maysville, was admitted to the bar in that place and in 1847 located in Paducah, where he established a fine practice, taking a prominent position in the profession. In 1851 he was elected to the legislature, in 1853 was elected president of the New Orleans & Ohio Railroad, and built the first part of the road constructed west of the Tennessee river in Kentucky. In 1856 he was elected criminal judge of the first judicial district, extending from Union county, on the Ohio river, to Fulton county, on the Mississippi; this office he resigned in 1859. He was Douglas' elector in 1860; in 1865 was elected to congress, and re-elected, serving in the thirty-ninth, fortieth and forty-first congresses, from 1865 to 1871, and declined a further re-election.

He engaged largely in manufacturing and real-estate transactions; was president of the Paducah Rolling Mill Company; for several years vice-president of the Paducah & Memphis Railroad; took an active part in all the political campaigns, casting his vote for the Democratic nominees. He was a man of great ability, one of the leading members of his profession, occupied a high position as judge, and was universally esteemed.

THOMAS EDWARD MOSS, of Paducah, Kentucky, was born March 14, 1839, in Greensburg, Green county, this state, and is a representative of one of the prominent and well known families of the country, founded by seven brothers of English birth, who settled in Massachusetts at an early day in the history of that state. The name was originally spelled Morse, and to one branch of the family the celebrated

inventor of telegraphy, Samuel F. B. Morse, belonged. The grandfather of our subject removed to North Carolina, where his father, Thomas S. T. Moss, M. D., was born. He married Judith Campbell Bullock, a native of Perryville, Kentucky, and a daughter of Colonel Bullock, who belonged to the family that has been prominently and honorably identified with the history of this state from its pioneer epoch. One of her brothers, Edward J. Bullock, of Harrodsburg, Kentucky, was a prominent jurist, served as Commonwealth's attorney and tried the case of the Commonwealth versus Wilkerson, wherein S. S. Prentiss appeared for the defendant.

Mr. Moss pursued his education in the academy at Caney Fork, also in Columbia College, of Columbia, Adams county, Kentucky, and under the private tutorage of Professor Marion Ray, of Clinton, Hickman county. He studied law in Paducah, in the office of the firm of Bigger & Thompson, and graduated at the Louisville Law School in March, 1861. He then returned to Paducah, fitted up his law office, secured a good practice and accumulated a good library; but the library was carried away by the soldiers in the United States service during the Civil war.

In April, 1861, Mr. Moss left Paducah and raised what became Company A, Second Kentucky Infantry of the Confederate service, under Colonel Roger W. Hanson. He served throughout the war, and was with his company when it was disbanded in May, 1865, as a part of Johnston's army. As major of his regiment, which was attached to the western division during the greater part of the time, he participated in nearly all the great battles of the war and was several times wounded.

When hostilities were brought to an end he returned to Paducah and entered into partnership with J. M. Bigger, his former preceptor, forming the firm of Bigger & Moss. He was elected to represent his district in the Kentucky legislature, where he served in 1870–1. In 1875 he was elected attorney-general of Kentucky and filled the position for four years, during which time he inaugurated and prosecuted the fight against the lotteries until he won success in his opposition thereto. He was opposed by John G. Carlisle, as attorney for the lottery companies. He was also connected with the case in which a question of extradition between Ohio and Kentucky was under discussion. His career as attorney-general was one marked by the most unswerving fidelity to the best interests of the state in behalf of justice and order, and he won the commendation of all. During his official term he resided in Frankfort, but in 1879 returned to Paducah. In 1884 he was elected to the legislature and served on the committee on revenue. During his term in the house he studied closely the questions that came up for consideration, and foresaw with great accuracy the result that would follow the adoption of a measure or the opposition to it. His judgment was unbiased, and he gave his support to all interests that he believed would be for the benefit of the entire state.

Mr. Moss engages in both civil and criminal law practice, and has been retained as counsel on some of the most important cases that have come up for hearing in the courts of the state. He has been most eminent as a criminal lawyer, and has defended and secured the acquittal of a large number of men charged with murder. At length he determined to retire from criminal

practice and announced his determination so to do about eight years ago; but within a short time he was forced to accept the defense of five murder cases, so high was his reputation in this line and so much sought for were his services. He is without a superior in criminal law practice, and the extensive legal business given into his charge well indicates his superior ability and the confidence the people have in him.

In Covington, Kentucky, in 1871, Mr. Moss was united in marriage with Miss Margaret A. Bright, daughter of Hon. Jesse D. Bright, United States senator from Indiana and one of the prominent members of the upper house of congress. Mr. and Mrs. Moss have three children: Mrs. Palmer Wheat, Jesse Bright and Thomas E.

Mr. Moss is a Knight Templar Mason. His political support has ever been given to the Democracy, and he has been a delegate to all the state conventions of his party and to the national convention in 1892, where he served as vice-president for Kentucky. As an advocate he has but few equals. He has great power before a jury, winning their confidence and holding their attention while placing before them, in plain, terse language, his analysis of the case and showing how the law is applicable to it. He is a fluent speaker, with a fine command of language, is a man of unquestioned integrity, and his loyalty to the interests of his clients has won him a large practice. He occupied a high position in the esteem of the entire community and is one of Kentucky's representative lawyers.

LUCIEN ANDERSON, a prominent lawyer and statesman of western Kentucky, was born June, 1824, at Mayfield, Graves county, received a good English education and became a lawyer; served in the Kentucky legislature, and in 1863 was elected a representative to the thirty-eighth congress, where he was a member of the committee on the District of Columbia. During the fall of 1863 he was taken a prisoner by some "Confederates" and retained in custody until just before the meeting of congress, when he was exchanged. In 1853 he was presidential elector, and in 1864 was a delegate to the Baltimore convention. Throughout his life he was one of the leading men of his part of the state.

CHARLES KENNEDY WHEELER, of Paducah, member of the fifty-fifth congress, was born in Christian county, Kentucky, in 1863. His father, Dr. James Wheeler, was a native of London, England, and in 1825 became a resident of South Carolina, whence he came to Kentucky in 1851. His wife was a native of Appomattox county, Virginia, and a daughter of Joel Watkins, of English descent. For more than one hundred and fifty years the Watkins family had resided in Appomattox county, the ancestral lands having been secured by a direct grant from the sovereign of England, and transmitted from father to the eldest son through succeeding generations.

Charles K. Wheeler is a graduate of the academic department of the Southwestern Presbyterian University, of Clarksville, Tennessee, and of the law department of the Cumberland University, of Lebanon, Tennessee. In the summer of 1880 he was admitted to the bar and entered upon the practice of the legal profession in Paducah, where he has since made his home. From

1886 to 1890 he was associated as partner with Judge James Campbell. He has confined his practice to common-law and equity cases, and has appeared as counsel in many important suits. For several years he was corporation counsel for the city of Paducah. He is a diligent student of the law, thoroughly grounded in its elemental principles, and is notable for the care he gives to the preparation of his cases. He has an excellent memory, a clearness of perception and a faculty for logical analysis which have been substantial elements in his success.

Mr. Wheeler married Miss Mary Guthrie, daughter of John J. Guthrie, a merchant of Paducah. They have two children, James and Mary. Mr. Wheeler is a member of Grace church, Protestant Episcopal, and holds a membership in the Masonic and Odd Fellows societies.

The conduct of public affairs has always possessed for him the keenest interest, but his profession has made heavy demands upon his time and he has never felt justified in giving more than an intelligent passing attention to politics. During several campaigns, however, he has labored for the success of his party, the Democratic, and was a member of the Democratic state executive committee for the first congressional district. He was presidential elector in 1892, supporting Grover Cleveland in the electoral college, but all these were subordinate to his profession, and it was not until the fall of 1896 that he would allow his name to be used in connection with an office that would necessitate the giving of much of his time to its duties. In November of that year he was elected to congress and is now, 1897, occupying a seat in the law-making body of the nation. He is an eloquent and forcible public speaker, and his friends and constituents have the fullest confidence in his ability to discharge satisfactorily the duties of the office to which he has been called.

WILLIAM MURPHY REED, of Benton, was born September 5, 1848, in Graves county, Kentucky. His father, William Reed, was a native of North Carolina, and his mother, Margaret (McCain) Reed, was born near Nashville, Tennessee. The subject of this sketch was reared on a farm, and acquired his education in Benton Seminary, of Marshall county, Kentucky, and in Princeton College, of Princeton. He read law with Philander Palmer, of Benton, and after an extensive and accurate course of study was admitted to the bar in Benton in March, 1873. Immediately afterward he began practice in the first judicial district of Kentucky, and from the beginning his legal career may be said to be one of success. He has always maintained an office in Benton, and in 1880 also established one in Paducah, where he is now a member of the well-known firm of Greer & Reed, the senior partner residing in Paducah. In the practice at Benton these gentlemen were joined by W. M. Oliver, under the firm name of Reed, Greer & Oliver.

Mr. Reed's high standing at the bar is best shown by the important litigation which has been entrusted to his care. His practice has assumed extensive proportions, and covers the territory embraced within McCracken, Marshall, Calloway, Livingston, Graves and Lyon counties. His practice is general, embracing both criminal and civil suits. He has been retained as counsel in every important murder case tried in Marshall and Calloway counties, and many in

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McCracken county, for several years past. His civil practice is extensive, and his firm is attorney for many leading corporations and business enterprises in this section of the state, including the Nashville, Chattanooga & St. Louis Railroad, the People's Railway Company of Paducah, the Paducah Electric Company, the Paducah & Clark River Gravel Road Company, Mechanics' Building & Loan Association, City National Bank of Paducah, the Paducah Banking Company and other corporations of note. Among the cases involving large interests, therefore calling for superior legal ability that Mr. Reed's firm has handled, may be mentioned one in Texas, which grew out of the building of a courthouse and the issue of bonds for that purpose. His firm has represented parties owning bonds to the amount of $70,000, and has secured judgment to the amount of $46,000, while over one million dollars are involved in similar cases. The firm of Greer & Reed is also concerned as counsel in the Grand Rivers Company litigation, growing out of the investment and building of their large iron furnaces and plant for the manufacture of iron and lumber, representing over one million dollars. The cases of this company are pending in both the state and United States courts. His firm is also attorney for the Paducah Land, Coal & Iron Company in their litigations, involving the disposal of property valued at more than three million dollars, including a large furnace plant at Paducah, tracts of ore-bearing lands in Trigg county, Kentucky, and in Tennessee, and town lots in Paducah. The importance of the legal business with which Mr. Reed has been connected shows his superior ability in the control of the intricate problems of civil law. His keen powers of perception and analysis, combined with superior mental alertness, enable him to grasp readily all the points of the case and give to each its relative value. In argument he is clear, concise and masterful, and his logic never fails to carry weight, and seldom fails to convince.

In politics he is a stanch Democrat, advocating the principles as set forth by the recognized leaders of the party in the east. Deeply interested in the success of his party, he does all in his power to promote its growth, has attended many of the district and state conventions, and in 1892 was alternate for the state at large to the Democratic national convention at Chicago. His powers of oratory are frequently used in the campaigns with telling effects. He has served for four years as county attorney of Marshall county and for three terms (six years) represented his district in the state legislature, where he served one term as chairman of the committee on state prisons, and one term as chairman of the judiciary committee; and while a member of the legislature he was a member of the committee which perfected the present revenue or tax laws of the state; was the author of several important laws, and is the author of the present statute against seduction in Kentucky.

On the 17th of October, 1872, Mr. Reed married Miss Mary R. Strow, of Benton, Kentucky, and they now have four children, —Boone, Cecil, Lula and William Roscoe. Mr. Reed holds membership in the Christian church, and also belongs to the Masonic and Odd Fellows fraternities.

WILLIAM DAVID GREER, of Paducah, was born near Fredonia, Caldwell county, Kentucky, on the 22d of Sep-

tember, 1834, and is a representative of one of the old families of the state, the first of the name locating near Louisville. There still stands in Salem, Kentucky, an old stone house, which is called "Stony Lonesome," that was erected in the beginning of the nineteenth century by Moses Greer, the grandfather of our subject. For almost a hundred years it has looked down upon the happenings of that town, withstanding the ravages of time, and is to-day as substantial as ever. The grandparents, Moses and Charlotte Greer, were residing in what was called the New Madrid district of Missouri, in 1811, during the great earthquake which occurred there, but afterward made their home in Salem, Kentucky. The father, William B. Greer, was born in Livingston county and married Evelina Caldwell, who also belonged to one of the honored pioneer families of the state. She was a daughter of David Caldwell, who lived in the county that bore his patronymic, and was one of the early settlers who laid out the road from Centerville to Salem. A man of much prominence he took an active part in public affairs and was one of the justices of the peace who issued the order removing the county seat from Centerville to Rogers' farm, now Old Salem, Livingston county. In the division of the original county of Livingston, Smithland became the county seat of that portion which retained the old name, and Marion was made the county seat of Crittenden county, while Centerville no longer appears on the map and only a few stones here and there mark the site of what was once a thriving county seat. With the changing interests and events of the time the ancestors of Mr. Greer were thus identified and took an active part in promoting the welfare of their state.

William D. Greer was reared amid the scenes where his forefathers lived, and in the country schools of Livingston county began his education, which was later supplemented by a short collegiate course in a seminary in Paducah. He studied law with Judge Samuel A. Kingman, of Smithland, and was admitted to the bar in 1855. He then entered into partnership with his former preceptor, a connection that was continued until 1857, when the senior partner removed to Kansas, where he has since served as chief justice of the supreme court. Mr. Greer afterward formed a partnership with Judge Wiley P. Fowler, at Smithland, and the new firm did a large and profitable business until Judge Fowler was raised to the bench. In 1874 Mr. Greer removed to Paducah and associated with him in the practice of law James Campbell, who, after a time, was elected circuit judge. His next partner was Judge Bishop, and their business relations continued until Mr. Bishop became judge of the circuit court. In 1894 the present firm of Greer & Reed was organized, and associated with them W. M. Oliver; they also maintain an office in Benton and have a large law business throughout this part of the state and in the court of appeals of Kentucky. Their clientage is extensive, their business important, and with much of the litigation in both the criminal and civil courts they have been connected.

Mr. Greer has been twice married. He wedded Alice, daughter of Dr. Thomas Linley, of Salem, a prominent physician and member of the legislature of Kentucky. By this union there were two daughters, Iola and Aldie. For his second wife Mr. Greer chose Elmonia A. Epperson, daughter of Daniel Epperson, of Frankfort, Kentucky,

who served in the war of 1812. The children of the second marriage are Grace, wife of E. L. Atkins, cashier of the German-American National Bank, of Paducah; Monie, Virgie and Myrtle.

Mr. Greer attends the Christian church. He votes with the Democracy, but has not sought or desired the honors or emoluments of public office. His attention is entirely given to his professional duties, and his fidelity to his clients' interests is proverbial. His place among the foremost members of the bar has been gained through steady application, through preparation and superior powers of argument, and his success is justly merited.

LINN BOYD was born in Nashville, Tennessee, November 22, 1800, and died December 17, 1859. He was of Scotch descent and closely related by the ties of blood to Robert Burns, the immortal bard of Scotland. Early in the history of Virginia the Boyds settled in that colony, where occurred the birth of James Boyd, the grandfather of Linn, who removed from the Old Dominion to South Carolina, and with three sons participated in the war which resulted in the overthrow of British rule in America. Their home was twice destroyed by the Tories and the family hearth left desolate. Abraham Boyd, the father of Linn, was then a youth of about sixteen years, yet he entered the colonial army. After the close of the Revolution, about 1788, Abraham Boyd and Andrew Jackson crossed the mountains into Tennessee, empty-handed but with strong hearts and courageous spirits. They located first at Nashville, and although in subsequent years their homes were far apart and their stations in life widely different, the friendship then formed endured while life remained to them. In 1803 Abraham Boyd removed with his family to Christian county, Kentucky, then on the very frontier of civilization. In 1819 he was one of the United States commissioners to treat with the Chickasaw Indians and purchase their valuable domain east of the Ohio and Mississippi rivers, known in history as the Jackson purchase.

Linn Boyd grew to manhood with but limited education. In 1826 he left the parental roof, removing to the adjoining county of Calloway. The settlement of "The Purchase" and the organization of government in the new counties were then much discussed subjects, and in the arguments he bore a leading part. His fairness and integrity gained the confidence of the people, and in 1827 he was made their representative in the state legislature, where he served for two years, and at the same time his father was the representative from Trigg county. In 1830 Linn Boyd returned to Trigg county and was elected to the general assembly.

In 1832, at the urgent solicitation of friends, he became a candidate for congress, but made no effort to secure the election against Colonel Chittenden Lyon, the incumbent who represented the district, 1827–35. In 1834, however, he was elected to congress; and the ancient friendship existing between his father and Andrew Jackson, then president, and the harmony in their views and principles led to the active identification of Linn Boyd with the presidential administration. The exciting contests of 1837 found him in the advance column advocating the final and irrevocable divorce of bank and state. Although defeated for congress in that year, he was elected in

1839 over his competitor of 1837, was re-elected in 1841 and 1843 over competitors, and in 1845 was returned without opposition. In 1847 he received a majority of thirty-two hundred, in 1849 was elected without opposition, and in 1851 by a majority of twenty-nine hundred over two competitors. He closed his congressional career in 1855, having served for the last four years as speaker of the house.

Mr. Boyd then retired to private life to spend his remaining days like Cincinnatus at the plow, but his state could not spare him from her councils and he was elected lieutenant governor in 1859; but death came before the time of inauguration. A detailed account of his life would in its varying connections embrace the history of one of the most important epochs of our country, and space permits us only to touch briefly on some of the more salient points in his career. On the 26th of January, 1837, upon a call from the house of representatives for information in reference to Texas, President Jackson communicated a message to that body. General Howard moved its reference to the committee on foreign affairs, and Mr. Boyd moved to amend by adding, "with instruction to report a resolution acknowledging the independence of Texas." On the 18th of February following that committee, through General Howard, reported a resolution "that the independence of Texas ought to be recognized." In January, 1845, Mr. Boyd was appointed by the Democratic party caucus as a committee of one to prepare a plan looking to the annexation of Texas to the United States, and the report which he prepared, with slight amendments, was adopted in both house and senate, and on March 3, 1845, the president announced that he had "approved and signed certain joint resolutions for annexing Texas to the Union."

Mr. Boyd drew up the preamble and first section of the bill which defined the position of the country and was virtually a declaration of war with Mexico,—that "by the act of the republic of Mexico a state of war existed between that government and the United States." This article for conciseness and directness has never been surpassed. He took an active and prominent part in the adjustment of the Texas boundary line and the organization of government in the newly acquired territory ceded by Mexico. The question of slavery was at that time a paramount one, and his introduction and advocacy of the "compromise" measures finally adopted did much to allay partisan strife and postpone the always impending war.

Mr. Boyd was in many respects a remarkable man. He never appealed to the press to aid him in his political work, nor did he ever stoop to an enemy or condescend to buy a friendship; but, strong in his integrity and firm in his convictions, he stood before the people the advocate of political views deliberately and honestly formed and proclaimed with boldness both on the hustings and in the halls of congress. To such as sought his influence in order to secure office he replied: "The field of executive favor is too small a one for a noble ambition; qualify yourself well and then appeal to the people." He read character with extraordinary facility: all these qualities made him a leader in Democratic ranks; but while he loved his party he loved his country more, and when in 1850 he saw the Union of the states in danger he stood by the side of Webster and Clay, battled against the raging spirit of disunion and stood prepared to make any and every personal sacrifice for

the maintenance of the federal government. In the turmoil of political excitement, when crimination and recrimination were general, all admitted the honesty of Linn Boyd and he proudly stood above suspicion. Although boldly asserting his views he never made personal enemies, retaining the sincere friendship of even those who opposed him politically. He was a man of rare natural ability and power.

Mr. Boyd retired from congress in 1855, having been speaker of the house for the sessions of 1852–3–4–5. He aspired to a seat in the senate, and as a step to reach that goal, sought the Democratic nomination for governor in 1859. That honor was given to Beriah Magoffin, while Mr. Boyd was nominated for lieutenant-governor, and was elected. He died December 17, 1859, before taking his seat.

Mr. Boyd was married October 20, 1832, to Alice C. Bennett, of Trigg county. Their only remaining child is Dr. Butler Boyd, of Clarksville, Tennessee. After the death of his first wife he was married, April 14, 1850, to Mrs. Ann L. Dixon, daughter of James Rhey, of Cambria, Pennsylvania. They had one son, Rhey Boyd, who became a leading politician and lawyer at Paducah, where he died in 1894, leaving a son of tender years named for his father, Linn Boyd.

JAMES BRYSON HUSBANDS, of Paducah, was born in 1805, and died in 1885, after a long and honorable connection with the bar of the state. His parents were Harmon and Sarah (Renshaw) Husbands. The former was born in 1776, and in 1805 removed with his family from Rowan county, North Carolina, to Christian county, Kentucky, where he followed his chosen pursuits of farming and surveying. He belonged to a family long identified with the history of the south. His uncle, Harmon Husbands, was among those actively opposed to the royal authority in North Carolina, and so earnest were his labors in that direction that those in the service of the crown offered a reward for his apprehension. His loyalty to the right and to the cause of liberty, however, was strong within him. When he found that he could not remain safely in his native state he made his escape to the wilds of western Pennsylvania, where for a time he was engaged in fighting the Indians. After American independence was established he returned to North Carolina, and later participated in Bacon's rebellion, during which his life was saved by the intervention of Dr. Ben Franklin, a distant relative. The Husbands family is of English origin and was founded in America by two brothers, William and John Husbands, who settled in the William Penn colony, now the Keystone state. The Renshaws were also originally from England, and the family early settled in North Carolina, whence its representatives went to Tennessee, locating near Clarksville about the same time that Harmon Husbands and his wife came to Kentucky.

James Bryson Husbands received a common-school education and afterward took up the study of law under the preceptorship of William Lander, a leading attorney of Princeton, Kentucky. In 1828 he was licensed to practice and removed to Calloway county, Kentucky, settling on Jackson's Purchase, a tract of land west of the Tennessee river and lying along the Ohio to the Mississippi, which had been acquired by treaty with the Chickasaw Indians. In a short time he went to Wilmington, then the

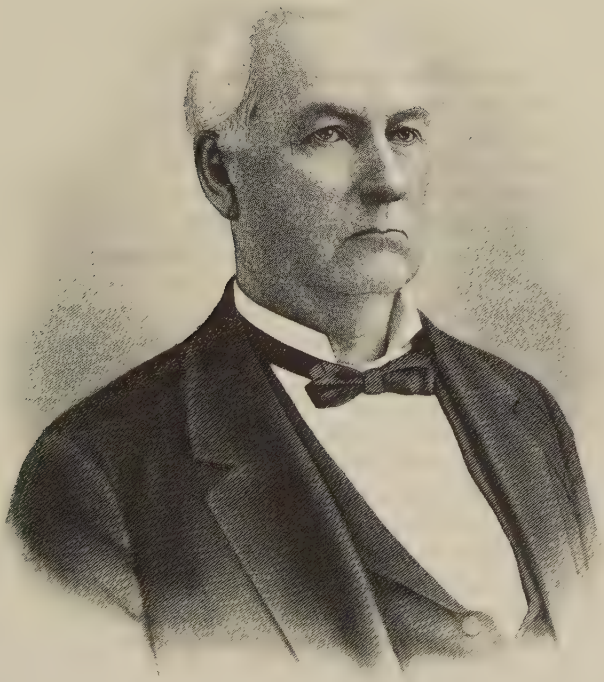
county seat of McCracken county, where he made his home from 1830 until 1834, when, the county seat having been removed to Paducah, he accordingly went to the latter place. His connection with the bar of that city continued until his death.

In 1832 was celebrated the marriage of Mr. Husbands and Miss Maria S. Martin, of McCracken county. His family included James H. Husbands, who was admitted to the bar of Kentucky, and for some time prior to the Civil war was associated in practice with his father. He entered the Confederate service, and after the cessation of hostilities located in Waxahachie, Texas, where he died in 1896. One daughter, Mary, is the wife of Quintus Quincy Quigley, of Paducah, one of the eminent Kentucky jurists.

In 1843 Mr. Husbands united with the Methodist church, in which he retained his membership until the close of his life, taking a very active part in its work and upbuilding, and serving for many years as trustee. Socially he was connected with the Masonic fraternity. In politics he was a Whig, and for many years active in advancing the party's interest, but declined office of every character. During the war he was a Unionist, opposing secession and advocating peace. He did much to ameliorate the unfortunate conditions brought upon many of his fellow citizens by the war; and after the trouble was ended he affiliated with the Republican party, but was never bitterly partisan. One of his sons, Henry Lee, was in the Confederate service, and was killed at the battle of Shiloh.

Mr. Husbands' law practice was general in character, and in the early days (1839–55) he "rode circuit" with the court and lawyers in attendance. He was the pioneer lawyer in western Kentucky, embracing all that part of the state west of the Tennessee river, and engaged in both civil and criminal practice, taking part in most of the important litigation of his district. He met in forensic combat such men as Judge James Campbell, Judge Wiley P. Fowler, Mathew Mayes, Richard L. Mayes, Robert A. Patterson, and at a later period Hon. E. I. Bullock and the celebrated lawyer, John W. Crockett. In the period following the war he largely limited his practice to McCracken circuit, the court of appeals and the federal court. He never retired from his profession, but continued an active connection therewith up to the time of his death, although he was an octogenarian when his life's labors were ended. He had an innate feeling and disposition in favor of peace and good will, rather than strife and litigation, and, if a matter could be settled without resort to the courts, always advised such a course; yet he possessed a fine legal mind, was a persuasive speaker, and in the court-room the counsel on the other side regarded him as a formidable opponent. He possessed great kindness of heart and sympathy for the oppressed or unfortunate, and the many admirable qualities of his character won him the respect of all.

LORENZO DOW HUSBANDS was born in Christian county, Kentucky, December 18, 1823. His brother, James B. Husbands, mentioned above, was the eldest and he the youngest of the children of Harmon and Sarah Husbands. He obtained his early education in the common schools of Crittenden county, where his parents removed soon after his birth; but much of his knowledge he has obtained through the



L. D. Husbands

perusal of books in leisure hours until he has become a man of extensive familiarity with the brightest minds in the world of literature. For a time he engaged in teaching school and then took up the study of law in the office of his brother in Paducah, where he read for two years. He was admitted to the bar in 1849 and immediately entered upon the prosecution of his chosen profession, which he has since continued, practicing in the state courts of the western circuits, in the court of appeals and in the United States courts.

In 1851 Mr. Husbands was elected county attorney and served one term of four years. In 1855 he was elected commonwealth's attorney for the district west of the Tennessee river to fill out the unexpired term of Oscar Turner, who had resigned, and in that capacity Mr. Husbands served for twelve months. In 1859 he was elected to the general assembly to represent the district composed of the counties of Ballard and McCracken. This legislature was several times convened by Governor Magoffin, for it was on the eve of the Civil war, when affairs of great moment were to be discussed and decided. Mr. Husbands was in sympathy with the south but was opposed to the war. His family and the majority of the people of Kentucky entertained the same sentiment and he voted against "armed neutrality." It seemed to Mr. Husbands that the Unionists were mostly in favor of that measure and in some way the leaders of the southern party became converted to it, so that armed neutrality was ordered by the legislature. He opposed and voted against the measure, which seemed to him, and afterward proved to be, a political absurdity; for he believed that both parties in the legislature were deceiving themselves and that the effect would not be what either wished. The "armed neutrality" act was never carried into effect, the facts of history showing that each party armed in the interest of the cause it advocated and not in the interest of neutrality, and instead of Kentucky being neutral ground it became the first of the battle-fields of the war. When his state and other border states took the position they did, the common sense of Mr. Husbands made him feel that the southern cause would be lost beyond doubt. He took no part in the war, and time and experience has led him to the belief that there was an overruling providence that foreordained the results that came about, and that all happened for the best good of the nation.

Since 1860 Mr. Husbands has not sought or accepted any political office but has devoted his energies assiduously to the practice of law and has been concerned in some of the most important litigation in the western district of Kentucky, in the court of appeals, the United States courts and in the adjoining state of Illinois. He has been most earnest in the investigation of abstruse questions and in mastering the law, and few men have a more extended and accurate knowledge of the law than he; and before judge or jury he is a powerful advocate. As he rises to state his case it becomes evident that he has mastered it in every detail, that he has left no weak points of attack and that he has availed himself of every possible inch of vantage ground. The earnestness, tenacity and courage with which he defends the right as he sees it challenges the highest admiration of his associates, while his incisive arguments and logical deductions always carry weight with them and seldom fail to convince.

In 1851 Mr. Husbands was united in

marriage with Miss Hannah W. Singleton, only daughter of W. G. Singleton, of Hinds county, Mississippi. She died in 1856, leaving a son, Mr. Gip Husbands, who lives near Paducah.

In 1859 Mr. Husbands was united in marriage with Mrs. Mary E. (Cook) Bullock, daughter of John W. Cook, an agriculturist of Caldwell county, Kentucky. They have three childeren: Cook, who is cashier in the American German National Bank; Dow and Sally. For some time Mr. Husbands has been a member of the Presbyterian church. Since casting his first vote for Linn Boyd for congress in 1845 he has always been a Democrat, but has never been very active in politics.

JAMES FLETCHER DEMPSEY, of Madisonville, was born in Hopkins county, Kentucky, on the 15th of June, 1853, and is a son of Dr. D. F. Dempsey, who is a native of Botetourt county, Virginia, and for many years engaged in the practice of medicine. Dr. Dempsey came to Kentucky with his father in 1837, and after several years' residence in Todd county removed to Hopkins county, where he made a permanent location. His grandfather, a native of the Emerald Isle, was the founder of the family in America. The Doctor married Miss Susan W. Overstreet, of Breckinridge county, Kentucky.

Mr. Dempsey, of this sketch, acquired his literary education in the common schools of Hopkins county, and also attended private schools. He took up the study of law in the office of Hon. Polk Laffoon, and subsequently continued it in the office of Waddill & Pratt, and his preparation was thorough and accurate. In 1874 he was admitted to the bar and has since engaged in practice in Madisonville, during which time he has been retained as counsel either for the prosecution or defense in most cases of importance that have come up for trial in this circuit. He throws himself naturally and easily into the argument, marshals his evidence with the skill of a general, and leaves upon his hearers an impression deep and lasting. There is no straining after effect, but a precision and clearness in his statement, an acuteness and strength in his argument which attests a mind trained in the severest school of investigation, and to which the closest reasoning is habitual.

Mr. Dempsey has been honored with public office,—the gift of his fellow citizens, who recognize his ability and worth. He served for seven years as master commissioner, was county attorney two terms, county judge one term, and also treasurer of the county. In 1895 he was elected a member of the board of railroad commissioners of the state of Kentucky for a term of four years,—an election which was a tribute to his personal worth and popularity, for he was the only candidate on the Democratic state ticket that was elected that year. Although not a member, he was reared in the faith of the Methodist Episcopal church, and affiliates with the Masonic fraternity. Mr. Dempsey, in 1879, married Miss Lelia Holeman, of Madisonville, Kentucky.

W. E. BOURLAND, the senior member of the law firm of Bourland & Rayborn, of Dixon, Kentucky, was born in Neosho, Missouri, on the 7th of August, 1856, and is descended from a family of French origin that was founded in America by the great-grandfather in the colonial

epoch of American history. The grandfather was one of Kentucky's pioneers and located a military land warrant in Hopkins county. His father, William Duke Bourland, was born in Kentucky and after arriving at years of maturity married Miss Margaret Shaw, a native of South Carolina and a daughter of a wealthy planter of that state. During the early boyhood of William Edwin Bourland, his parents returned to Kentucky and he began his education in the common schools near his father's farm. Later he attended the high school in Madisonville and subsequently continued his studies in an academy there.

No profession in Kentucky can claim a more distinguished coterie of men than the legal; their fame has figured in the history of the nation and the high character of the bar is maintained to-day by many of its present representatives. To this class belongs Mr. Bourland, for his legal career reflects credit upon the profession in this state. While compliment is not the province of this volume it is but just to say what his record shows, that he is a man of erudition, whose careful investigation of all evidence, logical reasoning and faithful devotion to the interests of his clients, have made him one of the renowned lawyers in this section of the state and given him a power before judge or jury that has won him the highest respect of his professional brethren. On leaving the academy in Madisonville he took up the study of law in the office and under the direction of Waddill & Pratt, prominent attorneys, who carefully guided his reading and instructed him in the fundamental truths and in the science of jurisprudence. Assisting them in the preparation of evidence he also gained much practical experience, and after a two-years course of reading he was admitted to the bar.

Forming a partnership with George W. Ramsey, of Hopkins county, he began practice in Madisonville, but the connection was discontinued after a few months and Mr. Bourland was then alone in business for several years. In March, 1883, he accepted a position in the revenue service, but resigned in November, 1884, and with this exception there has been no interval in the period of his active connection with the bar. In 1885 he entered into partnership with J. F. Dempsey, then county attorney of Hopkins county, and with him practiced until September, 1888, when preparatory to removing to Dixon he withdrew from the firm. In April, 1889, he took up his residence in Dixon, where he has since made his home. Here he became associated with Hon. G. H. Towery, and after seven years the partnership was dissolved by mutual consent, while Mr. Bourland became the senior member of the present well known firm of Bourland & Rayborn. His practice embraces both civil and criminal cases, and he has been retained as counsel on many litigated questions in the courts of this section of the state.

In Hopkinsville, in 1889, was celebrated the marriage of Mr. Bourland and Miss Mabel Bentley, daughter of Dr. A. E. Bentley. They have three daughters, Ethel, Belle and Margaret. Mr. Bourland is a member of the Cumberland Presbyterian church. His political support is given the Republican party and he earnestly advocates its principles, but political preferment has had no attraction for him. His practice has brought to him a comfortable competence and in all business dealings his integrity is above question. He is a man of the highest per-

sonal character and his loyalty to all life's duties has won him the warmest regard of many friends.

OTWAY WADDILL, who for half a century has been a notable member of the bar of Madisonville, was born in Trigg county, Kentucky, about 1827. His father, Joseph Waddill, was a farmer. Otway Waddill received his scholastic training in Cumberland College, Princeton, Kentucky, and under the instruction of George P. Street, a man of scholarly attainments and high personal worth, then living in Christian county. He has also made deep researches in the realms of literature and is a man of broad general information.

Mr. Waddill determined to enter the legal profession, and began his studies in 1845, in the office of Judge Collins D. Bradley, of Princeton, Kentucky. In September, 1846, he was admitted to the bar and shortly afterward removed to Madisonville, where he has since been engaged in practice. For over fifty years he has been a leading representative of the legal profession in Hopkins county. In the early years of his practice he gave evidence of superior ability and of unfaltering devotion to his client's interests. In the conducting of his cases he showed that he had given to the subject careful and earnest study. His arguments were presented clearly and precisely, and with an earnestness and force which always impressed his hearers. Extreme fairness marks his course toward an opponent, and genuine courtesy his treatment of witnesses. For eight years he served as county attorney of Hopkins county, being elected in 1851 for a four-years term, and again in 1863, for a similar period.

In May, 1851, Mr. Waddill was married to Miss Sarah E. Pary, of Madisonville; and after her death he was married, in April, 1865, to Miss Marie E. Pratt, daughter of William Pratt, an old and worthy citizen of Madisonville. He has three children, a daughter by his first wife, and two sons by his second marriage. Mr. Waddill is an active and leading member of the Christian church of Madisonville, in which he has served as elder since 1851. He is a gentleman of great moral worth, benevolent and philanthropic, whose aid is extended to the poor and needy. All causes which have for their object the betterment of the human race or the advancement of the educational, moral or material welfare of the community, receive his co-operation and support.

Mr. Waddill has long manifested a deep interest in the political issues of the country, and has closely studied the questions which divide parties and affect the welfare of the nation. Firm in his belief, and unfaltering in support of his convictions, he voted with the Whig party until the rise of the new Republican party, since which time he has been one of its active advocates. In his private life he is distinguished for his Christian piety, and in his profession he is known as a lawyer of highest rank. The success which he has attained is due to his own efforts and merits.

Throughout his career he has ever been a student, and his knowledge of the science of jurisprudence is most comprehensive and accurate.

POLK LAFFOON, of Madisonville, was born in Hopkins county, Kentucky, on the 24th of October, 1844. His early training was that of the farm. The country

schools near his home afforded him his edurational privileges and he there mastered the common English branches of learning and laid the foundation on which to rear the superstructure of professional knowledge. He entered the Confederate army when sixteen years of age, and joined the Eighth Kentucky Infantry, participated in the battle of Fort Donelson, where he was captured, and later exchanged. He joined the command of General Morgan and followed the fortunes of his cavalry command until captured during the Ohio raid. For nine months he was held as a prisoner of war in the penitentiary of Allegheny City and at other points, obtaining his release at the close of hostilities.

When the war was over Mr. Laffoon returned to his home penniless, forced to begin life anew, and the first pursuit which he followed was that of school-teaching; and during his two years' experience in that profession he fitted himself for the bar, to which he was admitted in 1867. For twenty years he has now been a leading figure at the Madisonville bar. A distinctively representative clientage and the important litigation with which he has been connected indicate his superior ability, his legal acumen and his careful and successful conduct of cases. He served as county attorney in 1870 and has since enjoyed a large and lucrative business.

Mr. Laffoon is prominent in the council of the Democratic party and was a candidate to the national convention in Baltimore in 1872. In 1884 he was elected to congress, where his political record evinced a thorough familiarity with the questions at issue. He gave an intelligent and conscientious support to many measures which have proved of benefit to the country and was a valued member of the house. Mr. Laffoon is gifted with fine intellectual endowments, winning manner and oratorical ability, and whether on the political platform or in the court-room his utterances never fail to move his hearers.

KENTUCKY LAWYERS AND LAWMAKERS IN DIPLOMACY.

BY HON. CHARLES W. BUCK, EX-UNITED STATES MINISTER TO PERU.

A WORK upon the lawyers and lawmakers of Kentucky would hardly be complete without some distinctive mention of the representatives of the commonwealth who, as representatives also of the nation, have been called to deal with and make international laws.

In the United States we have no professional diplomatic service, but a large part of the diplomatic appointments made by our government have been from the ranks of the legal profession and its lawmakers who have served in legislative bodies, national or state, or both. Hence, our diplomatic representatives have generally been men of exceptionally large experience in public affairs, and well prepared to deal with questions of international law, and to aid in making the high treaty compacts—when called upon to do so—which form the statutory laws, if I may so term them, between nations. In these qualifications it has been generally conceded among officials of other countries, however much our foreign representatives may have been subjects, in some instances, of criticism in other directions, they have seldom failed to hold their own, and often a good deal more, with the trained diplomats of other countries, to whom diplomacy has been not only a profession but a life's employment.

Of this honor Kentucky has won a fair share, though the number of diplomatic appointments assigned the state has not been large in proportion to her importance and her somewhat leading position in forming political policies and giving to the nation political leaders.

There have been, perhaps, something like seven hundred separate commissions issued to diplomatic representatives of the United States of all grades and kinds, since the foundation of our government, in which consuls, though sometimes called upon to perform diplomatic duties, are not included. Of this number thirty-three have come to Kentucky, though several more, Kentuckians born, have been appointed from other states to which they had emigrated; and though the state has been represented in a number of cabinets, she has only once been represented in the premiership,—Henry Clay, who served in the cabinet of J. Q. Adams from March 7, 1825, to March 6, 1829, being the only secretary of state appointed from Kentucky; and here it should be remarked, in order to have in mind better the nature and rank of these appointments, that the secretary of state, under whom is the whole diplomatic and consular service, is the ranking officer of the cabinet. Under him in the diplomatic service, as now pro-

Chas. W. Burch

vided for by congress, are thirty-three ministers of various grades. Of these, first in rank are ambassadors, envoys and plenipotentiaries; secondly, envoys extraordinary and ministers plenipotentiary; and thirdly, ministers resident. In 1892 the grade of ambassadors, envoys and plenipotentiaries was added to the service, and most of the former ministers resident were raised to the rank of envoys extraordinary and ministers plenipotentiary, and we now have no fixed rank of *charge d' affaires*, but only *charge d'affaires ad interim*, where the minister's place is filled in his absence by the secretary of legation, or some other person named temporarily. This has been our arrangement only since that recent date. Prior to 1892 envoy extraordinary and minister plenipotentiary was the highest rank in our foreign service; the second were ministers resident; and the third were *charge d'affaires*, of which last there were only one or two.

Each country can give its representatives such rank, recognized in the comity of nations, as it pleases; but the character and prestige of each rank, or grade, is fixed by international usage. This was determined, as now recognized, in the congress of Vienna in 1815, and by that of Aix-la-chapelle in 1818, the seven rules of the former and the supplemental eight of the latter having been adopted by our state department to conform with international comity, for guidance of its diplomatic agents. Under these rules ambassadors, legates or nuncios alone have the representative capacity of sovereignty and must be considered with the same deference as the sovereign or chief executive himself. Envoys extraordinary and ministers plenipotentiary are accredited as the agents of sovereignty, or the chief executive, to sovereignty, or the chief executive, where sent. But *charges d'affaires* are accredited not to the chief executive, only to the foreign office.

Under the caption of this article we may mention: first, the Kentucky international lawmakers, who have framed into treaties, formally enacted laws, to govern between our own and other countries, and, taking the countries with which they have negotiated treaties in alphabetical order,—these and the character of the treaties are with:

Colombia, a treaty of peace, amity, navigation and commerce, concluded by R. C. Anderson, envoy extraordinary and minister plenipotentiary, October 3, 1824.

Denmark, a convention concluded by M. J. Cramer, minister resident, July 20, 1872, relative to naturalization.

Ecuador, a treaty of peace, friendship, navigation and commerce, concluded by J. C. Pickett, minister resident, June 13, 1839.

Great Britain, the treaty of Ghent, that terminated the war of 1812–14, concluded December 24, 1814, by a commission of five, composed of Henry Clay, J. Q. Adams, J. A. Bayard, John Russell and Albert Gallatin; and Clay was one of the signers, also, of the convention to regulate commerce and navigation with Great Britain, concluded July 3, 1815.

Gautemala, treaty of peace, amity, commerce and navigation, concluded March 3, 1849, by Elijah Hise, *charge d'affaires*.

Honduras, treaty of peace, friendship, commerce and navigation, concluded July 4, 1864, by Thomas H. Clay, minister resident.

Peru, J. C. Pickett, *charge d'affaires* of the United States, concluded March 17, 1841, a convention for the settlement of claims of citizens of the United States; and

Charles W. Buck, envoy extraordinary

and minister plenipotentiary, on August 31, 1888, concluded the present treaty of friendship, commerce and navigation on behalf of the United States with Peru.

As most diplomatic representatives have to deal with various questions involving international law, to the extent of such work, and sometimes it is extensive, they are contributors, either to the making of international law, or to the elucidation of principles governing nations. Hence, in such work as this, it is pertinent to make individual notice of all Kentuckians who have in an official capacity represented our country to other sovereignties. The United States government has been thus represented in foreign countries by Kentuckians—taking the countries to which they were accredited alphabetically—as follows:

Belgium, once, by W. C. Goodloe, of Lexington.

Bolivia, once, by John T. Croxton, of Paris, Kentucky as minister resident from 1872 to '74. He was born in Bourbon county, Kentucky, November 20, 1837, and died at LaPaz, Bolivia, April 16, 1874. He was a graduate of Yale College, was a lawyer of prominence, and one of thirteen in Bourbon county who voted for Lincoln in 1860; entered the Union army as lieutenant-colonel in 1861 and at the close of the war retired as brevet major-general, after having commanded the military district of South Georgia till 1865. After this he returned to the practice of law at Paris, Kentucky. He was chairman of the Republican state committee, and while in that position was active in establishing the Louisville Commercial, as a Republican journal. His health had been undermined by exposure in the army, and he went to Bolivia, hoping for benefit, but died there while minister, from consumption.

China, once, by Humphrey Marshall, first as commissioner, then as envoy extraordinary and minister plenipotentiary from 1851 to '53.

Colombia, six times. First, by Charles S. Todd, as *charge d' affaires*, from 1818 to '23, who was afterward minister to Russia, as see under "Russia."

Secondly, by Richard C. Anderson, from 1823 to '27. He was born at Louisville, August 4, 1788, graduated at William and Mary College, became an eminent lawyer, was for several years a member of the Kentucky legislature, was a representative in congress from 1817 to '21, and declined re-election in 1822; again entered the state legislature, and was speaker of the house, but in 1823 was appointed, as above stated, minister to Colombia, and in 1826 was named by President Adams envoy to the American congress called by Mexico, Central America, and Colombia to discuss "an American policy," in which it was proposed by the president that the "Monroe doctrine" should be considered. With Mr. Anderson was appointed also John Sargeant, of Pennsylvania. The proposal of Mr. Adams in his message to congress, in 1825, to have this country represented in the contemplated conference, precipitated one of the most acrimonious controversies in our congressional history. Mr. Anderson died at Tumarco, on his way thither, July 24, 1826. Henry Clay, then secretary of state, had provided our envoys to the congress with elaborate instructions, and they were accredited with the rank of envoys extraordinary and ministers plenipotentiary. But while they were *en route* the congress had met, discussed the three

considerations of peace, independence and security, and adjourned.

Thirdly, by Thomas P. Moore, as minister, from 1829 to 1833. He was born in Charlotte county, Virginia, in 1795; was an officer in the war of 1812; member of congress from 1823 to '29, from Kentucky, when his appointment to Colombia was made; and again in 1833–35; had been in the army during the war with Mexico; his last public position was that of a member of the constitutional convention in 1849. He died at Harrodsburg, Kentucky, July 21, 1853.

Fourthly, by Robert P. McAfee, as *charge d'affaires* to Colombia, 1833 to 1837, who was born in Mercer county, Kentucky, in February, 1784, and died there March 12, 1849; was a lawyer; was in the war of 1812, and in 1813 was a captain in active employment on the frontier. In 1819 he was elected to the legislature. From 1820 to 1824 he was lieutenant-governor, and presided over the state senate during the memorable and bitter "Old Court" controversy. He declined election to congress in 1829, but was in the legislature again in 1831–2. From 1833 to '37 he was at Bogota as *charge d'affaires* to Colombia, as above noted. He was again in the legislature, but as senator, in 1841. He was something of an antiquarian, and an author of at least local note; his labors as a writer include a "History of the late War in the Western Country," and a private journal that contained much information relative to the early history of Kentucky.

Fifthly, by Allen A. Burton, as minister resident to Colombia, from 1861 to 1867, who was also appointed in 1871 secretary of the commission that visited the Dominican republic.

Sixthly, Charles D. Jacob, of Louisville, was envoy extraordinary and minister plenipotentiary to Colombia, 1885–6. Mr. Jacob was born in Louisville, Kentucky, June 1, 1838. He has been very prominent as a public man for twenty-five years. Has repeatedly been elected mayor of Louisville, first in 1872, again in 1875, then in 1880, and lastly in 1887. Was a prominent candidate for governor in the Democratic convention of 1883, and at this writing (July, 1896) is being generally spoken of as a candidate for the mayoralty of Louisville again. He is probably the most universally popular man in Louisville, a gentleman of rare culture and polish; has traveled widely, and for a number of years has been president of the Mutual Life Insurance Company of Kentucky.

Denmark, twice. First by George H. Yeaman, as minister resident, from 1865 to 1872. He was born in Hardin county, Kentucky, November 1, 1829, became a prominent lawyer at Owensboro, Kentucky, in 1854 was elected judge of Daviess county, in 1861 was elected to the legislature of Kentucky, was elected to an unexpired term in the thirty-seventh and to the thirty-eighth congresses, but was defeated of a third election in August, 1865. On returning from his mission he settled in New York. He was lecturer on constitutional law at Columbia College for several years.

Secondly by Michael J. Cramer, as minister resident, from 1870 to 1882. Mr. Cramer was born at Schaffhausen, Switzerland, February 6, 1835; was a minister in the Methodist Episcopal church, having graduated at the Ohio Wesleyan University at Delaware, Ohio, in the full classical and theological courses; was chaplain in the

United States army from 1864 to '67; in the latter year was appointed United States consul at Leipsic, Germany, and in 1870 was made minister to Denmark, from which in 1881, he was transferred in a like capacity to Switzerland. He was a scholar, linguist, and writer, and had received the degree of Doctor of Divinity.

Ecuador, twice. First by James C. Pickett, as minister resident, from 1838 to 1844. He was born in Fauquier county, Virginia, February 6, 1795; removed with his parents to Mason county, Kentucky, in 1796. In the war of 1812 was an officer in the United States army; served also in the army from 1818 to 1821; returned then to Mason county, where he commenced the practice of law; was editor of the Maysville Eagle in 1815; was a member of the legislature in 1822, secretary of state, 1825–8; was secretary of legation in Colombia from 1829 to 1833, a portion of the time acting as *charge d' affaires*; was commissioner of the United States patent office in 1835; was fourth auditor of the treasury from 1835 to 1838; and while minister resident to Ecuador, was also *charge d' affaires* to Peru. He was for some years editor of the Congressional Globe in Washington, where he died July 10, 1872.

Secondly, by E. Rumsey Wing, as minister resident, from 1869 to 1874. He was born in Kentucky, in 1845, was well educated, and adopted the profession of the law, but was only twenty-four years of age when appointed minister to Ecuador, and he died at Quito, his post of duty, October 11, 1874. His services were especially referred to by S. S. Cox, in a speech in congress commendatory of his ability and usefulness.

Great Britain, by Henry Clay, in 1814, as one of the peace commissioners, his associates being J. Q. Adams, James A. Bayard, Jonathan Russell and Albert Gallatin, in negotiating the treaty of Ghent, that terminated the war of 1812–14 with England.

Guatemala, twice. Firstly, by Elijah Hise, as *charge d'affaires*, in 1848–9.

Secondly, by Beverly L. Clarke, of Simpson county, Kentucky, as minister to Honduras, as well as Guatemala, from 1858 to '60, at which post he died March 7, 1860. He was born in Virginia; was in the legislature 1841–2; was a member of the constitutional convention of 1849, and was in congress, 1847–9.

Hawaii, by Albert S. Willis, from 1893, as envoy extraordinary and minister plenipotentiary. He was born in Shelby county, Kentucky, January 22, 1843; graduated at the Louisville Law School in 1866; was elected commonwealth's attorney of Jefferson county in 1870, and re-elected in 1874, serving until elected to the forty-fifth congress, and he was re-elected to the forty-sixth, forty-seventh, forty-eighth and forty-ninth congresses. As a lawyer Mr. Willis has always occupied a high position and was considered in his district one of the best representatives who has served it in congress. He died at his post of duty in 1896.

Honduras, three times. First, by Beverly L. Clarke, same as above, to Guatemala.

Secondly, by Thomas H. Clay, of Lexington, as minister resident, from 1863 to 1866. He was a son of Henry Clay, born in Kentucky in 1803 and died at Lexington in 1871. He was also accredited minister resident to Nicaragua during the period of his mission to Honduras.

Thirdly, by Richard H. Rousseau, as minister resident, from 1866 to 1869. He was a lawyer of Louisville, Kentucky, and a

brother of Major Lovell H. Rousseau. Mr. Rousseau returned to Louisville upon retiring from the above mission, and died there some years after.

Mexico, by Governor Robert P. Letcher, as envoy extraordinary and minister plenipotentiary, from 1849 to 1852.

Nicaragua, once, by Thomas H. Clay, as minister resident, 1862–6, as see under Honduras.

Peru, three times. First, by J. C. Pickett, as *charge d'affaires*, 1838–44, as see above under Ecuador.

Secondly, by Charles W. Buck, as envoy extraordinary and minister plenipotentiary from 1885 to 1889,—the writer of this article, and of whom a sketch can be found elsewhere in this volume.

Thirdly, by James A. McKenzie, as envoy extraordinary and minister plenipotentiary, appointed April 4, 1893, and still filling that post.

Portugal, by James B. Clay, as *charge d'affaires*, in 1849–50. He was a son of Henry Clay, and born in Washington, November 9, 1817, a lawyer by profession, a member of congress in 1857, was on the peace commission in 1861, and died in Montreal, January 26, 1864.

Russia, twice. First, by Charles S. Todd, as envoy extraordinary and minister plenipotentiary, from 1841 to 1845. He was born near Danville, Kentucky, January 22, 1791; was a lawyer and became later in life a farmer; was in the war of 1812, holding various military offices; was in the legislature in 1817–18; was *charge d'affaires* in Colombia from 1818 to 1823; was vice president of the Kentucky State Agricultural Society for several years, and was editor of the Cincinnati Republican. After his mission to Russia he retired to private life, and died at Baton Rouge, Louisiana, May 14, 1871.

Secondly, by Cassius M. Clay, as envoy extraordinary and minister plenipotentiary, in 1861–2, but was recalled and commissioned major general of volunteers in the Union army; was then reappointed in the same capacity to Russia in the spring of 1863, serving there until 1869. He was born in Madison county, Kentucky, October 19, 1810; represented Fayette county in the legislature in 1838–9, after which he was defeated of re-election on the slavery issue; in 1845 he issued at Lexington the True American, an anti-slavery paper, which was taken possession of by citizens of Lexington during an illness, and the outfit sent to Cincinnati, where he afterward revived and printed the paper. He was one of the boldest advocates of the anti-slavery cause. He entered the Mexican war in 1846 as a captain. In 1850 he was anti-slavery candidate for governor of Kentucky. While minister, he was very effective in keeping Russia in sympathy with the Union cause. A graduate of Yale College, he studied law, but when in private life has of preference been a farmer, residing now as such on his fine place in Madison county, Kentucky. Horace Greeley published a volume of Mr. Clay's speeches in 1848.

Spain, twice. First, by William T. Barry in 1835–6, as envoy extraordinary and minister plenipotentiary.

Secondly, by William Preston, as envoy extraordinary and minister plenipotentiary, from 1858 to 1861.

Switzerland, twice. First, by Michael J. Cramer, as minister resident. See same under Denmark.

Second, by Boyd Winchester, as minister resident, from 1885 to 1889. Mr. Win-

chester was born in the parish of Ascension, Louisiana, September 23, 1836; educated at Center College, this state, and at the University of Virginia, and graduated at the law school at Louisville, Kentucky, in 1857, in which place he afterward practiced law. In 1867 he was elected to the state senate; was a presidential elector in 1868, and the same year was elected to congress, and was re-elected to the forty-second congress. From 1875 to '77 he was president of the Farmers & Drovers' Insurance Company at Louisville; was president of the Democratic state convention in 1884, and was the same year presidential elector. In May, 1885, was appointed minister resident and consul general, as above. He has published an interesting and valuable work on Switzerland since his retirement from his mission, and has written and lectured on various subjects, of scholarly and public interest, with distinction. He still lives at Louisville and takes much interest in public affairs. He is often heard on the stump and the platform, and is regarded as an orator of much force and great polish.

Sardinia, by Robert Wickliffe, Jr., as *charge d'affaires*, from 1843 to '48.

The two Sicilies, by John Rowan, as *charge d'affaires*, 1848–9.

Texas, by Joseph Eve, as *charge d'affaires*, 1841 to 1843.

The limitations of this article do not permit mention of consular officers, though sometimes their duties have covered important diplomatic or quasi-diplomatic work.

CHARLES W. BUCK, lawyer, diplomat and *litterateur*, was born on the 17th of March, 1849, at Vicksburg, Mississippi. He is of old Virginia stock, traceable in this country back through more than two and a half centuries to English origin, and through later generations from Virginia to Kentucky, and thence to his nativity in Mississippi. When old enough to be educated he was brought to Kentucky, where he has passed the greater portion of his life.

In the book of English Peerage appears the name of Edward Buck, as that of a gallant knight in the time of Edward III. and a leader of the vanguard of English forces in one of England's invasions of France. The earliest mention of the name in this country is in connection with the settlement of Virginia. The Colonial Records at London narrated that the first house of burgesses in Virginia was opened with prayer by the Rev. Richard Buck, who was chaplain to Sir Thomas Gates, the first governor of the colony (1610). In the third charter of King James I to the "Treasurer and Company of Virginia," Richard Buck's name is recorded as one of the "Councillors of the Council for said Colony." See "Genesis of the United States," by Alexander Brown, issued in 1890 by Houghton, Mifflin & Company, Riverside Press, Cambridge, Massachusetts. In the eleventh volume of the same work, page 385, it is related that Rev. W. Crenshaw states: "He was an able and painful preacher, of whom I can say the less because he was of Oxford (Crenshaw being of Cambridge) and unknown to me, but of whom I have heard Sir Thomas Gates give a good and worthy testimonie; and he came to the councell and this imployment with the commendation of Right Reverend Prelate Dr. Ravis, Lord Bishop of London."

It is more particularly narrated that he sailed from England in June, 1609; was wrecked on the Bermudas in July, 1609; christened John Rolfe's child there Febru-

ary 11, 1610; and reached Virginiain May, 1610. At Jamestown he was minister, and there, on April 6, 1614, he united in marriage John Rolfe and Pocahontas. In 1616 Rolfe writes of him as "a verie good preacher." During Argall's government a new church was erected for him at Jamestown, as the record states, "wholly at the charge of the inhabitants of that citie, of timber, being fifty foote in length and twenty foote in breadth." In the quire of this church was "convented" on Friday, July 30, 1619, the first assembly of English representatives in America, of which it is related: "For as much as men's affaires doe little prosper where God's service is neglected, all the burgesses stood in their places until a prayer was said by Mr. Buck, that it would please God to guide and sanctifie all our proceedings to His own glory and the good of the plantation."

The chronicle states that "March 10, 1621, he was one of the witnesses to John Rolfe's will. His wife and himself both died before February, 1624. They left four children in the care of guardians, a certain number of cattle, seven hundred and fifty acres planted and one hundred acres of glebe land, all by patent and all in the corporation of James Citie."

Sir Thomas Gates was wrecked with Rev. Mr. Buck off the Bermudas. It is said that this wreck suggested to Shakespeare his play, "The Tempest," which was performed at the court of James I., under direction of Sir George Buck, master of revels to his majesty.

Charles Buck (1st)—thus designated as the first of three succeeding generations bearing this Christian name,—was the great-great-grandfather of Charles W. Buck. He moved from Westmoreland county, Virginia, about 1735, to the Shenandoah valley and settled on a tract of land lying along the south side of the north branch of the Shenandoah river, purchased from Lord Fairfax. Our chronicler tells us that he brought with him in the person of his race-rider "Dick," the first negro who crossed the Blue Ridge mountains.

Bishop Mead, in his "History of the Old Churches and Families of Virginia," on page 281, gives the following names as those of the vestrymen in 1771 of Frederick county parish: Thomas, Lord Fairfax, Charles Buck, John Ashby, John Nevill, and Marquis Calmes, the last it is said was one and the same with Marquis de Calm. William Richardson (named for his grandfather who accompanied Lord Baltimore to Maryland and became owner of part of the original site of the city of Baltimore, which was lost through long leases to succeeding members of the family) moved to Virginia and there married Isabella, daughter of Marquis de Calm (or Calmes.) They had a large family of children, among whom were three remarkably handsome and accomplished daughters,—Miriam, Mary and Ann, who married in the order named the three sons of Charles Buck (1st), namely, John Buck, Charles Buck (2d) of Buckton, and Thomas Buck, of Belle Air, near Front Royal. This union of three brothers to three sisters, it is said, probably produced the strong family likeness observable later in their Buck descendants. The eldest of these three brothers, Colonel John Buck, was a soldier of the Revolutionary army. The second son, Thomas Buck, also a Revolutionary soldier, was three times high sheriff of Frederick county, Virginia.

Charles Buck (3d), son of above Charles (2d), was a soldier in the war of 1812, serv-

ing in the company of Captain John Baylis, who, through dare-devil courage, acquired the nickname of "Fighting Jack," and whose sister, Lucy, he afterward married. Captain William Baylis, the father of Jack and Lucy Baylis, was an officer in the Revolution, and was raised in the family of Lawrence Washington. His father was Colonel John Baylis, of Prince William county, Virginia, for which he was burgess in 1761, having defeated Colonel Henry Lee, and was justice 1756–62. He was killed in 1765, in a duel, by Cuthbert Bullitt, an ancestor of Elizabeth Crow Bullitt Buck, the wife of Charles W. Buck, the subject of this sketch. The Baylis family was classed with the best people who emigrated from England to Virginia; Captain William Baylis, and his son-in-law, Charles Buck (3d), were among the early emigrants to Kentucky. They located in Union county, but afterward Charles Buck moved to Woodford county, where his brother, William Buck, a noted Baptist preacher of those days, was living at the time.

A total destruction, by fire, of the home of Captain Bayliss, before he and his son-in-law Charles Buck (3d), left Virginia for Kentucky, resulted in the narrow escape of his family, the loss of several household servants and the family bible and records, and all household effects. Thus was lost to the descendants of the Bayliss family that emigrated to Kentucky the record of a portion of their genealogical chain; Charles Buck (3d) had a family of sons, four of whom lived to manhood,—John W., Horace R., Charles L. and Richard R. The eldest, John W., is the father of the Hon. Charles W. Buck. He moved to Vicksburg, Mississippi, when very young, and there became a merchant, banker and planter, but returned to Woodford county, Kentucky, after the war, where he still resides on his farm near Midway. Charles L. Buck also located at Vicksburg, and though he died before he was forty, he won great reputation as an eminent lawyer and brilliant orator. He made the last protest in the state convention of 1861 against the secession of Mississippi. His speech on that occasion is still remembered and spoken of as a grand effort, and one of the most eloquent ever delivered in the state. Yet, when Mississippi went out of the Union, he did not separate his fortune from hers, but his death occurred soon afterward. The youngest brother, Richard R. Buck, also became an eminent lawyer of Vicksburg, where he recently died. Horace R. Buck studied medicine and became an active practitioner in Louisiana.

John W. Buck married Miss Mary Belle, daughter of Dr. William Sutton, of Georgetown, Kentucky, who was a Virginian by birth, a man of classical education who attained great distinction in his profession, and was the first president of the Kentucky Medical Association. Miss Sutton was a third cousin of her husband. Of three children born to them, the youngest, Hon. Charles W. Buck, alone lived beyond infancy. He was graduated at Georgetown College, Kentucky, later entering the Kentucky University at Lexington for the study of his profession, the law. After completing the course, he was offered by the late W. A. Percy, of Greenville, Mississippi, one of the most gifted public men and lawyers of that state, a partnership.

Shortly after settling in Greenville he was called upon to bring an important suit for a banker who had purchased at greatly depreciated prices a large amount of out-

standing Washington county warrants. The county treasury had no funds to pay them, and the county authorities refused to levy a tax for the purpose. Mr. Buck went before the county supervisors with the demand that they levy a special tax to redeem the county's discredited scrip. The board declining to act, he instituted suit by mandamus, which he finally won,—to compel the tax levy for payment of the warrants. The unusual character of the suit, the boldness of the procedure, and the skill with which hundreds of claims, scheduled and united in one suit, were arranged for a winning case, caused much interest. This was during the reconstruction period, when the young attorney had frequently to appear in the trial of cases before negro magistrates and juries partly composed of negroes. On one occasion a negro client called in haste, soliciting Mr. Buck's advocacy in a case to come up that day in a country magistrate's office miles away. He left on horseback with his client. Arriving at the court he found the justice, the summoned jury, the constable and the assembled crowd all negroes, Mr. Buck being the only white man "in evidence." He was afterward heard to say that this was the most "shady law case he ever engaged in!" This incident may serve to illustrate a condition of things in that section, under negro domination during the reconstruction period, very difficult of appreciation to those living elsewhere, and even to many later residents of the southern country.

At Greenville, about this time, it was, that the first effort, perhaps, of a local Democracy was successfully made to throw off "negro and carpet-bag rule," and Mr. Buck was an active participant. A similar effort, resulting in the re-establishment of local white government, was made some time later at Vicksburg, where Mr. Buck had located meanwhile, and in which he also took active part.

He was in the Democratic state convention that declared for Horace Greeley, and was active in the presidential campaign that year on the stump and otherwise. He has since stated as his belief that the action of the Democratic party then in adopting the Liberal Republican candidate, under all the circumstances, was wise and should not be regretted. Although a Democrat he was in 1871 appointed one of the commissioners for the state of Mississippi to the World's Fair at Vienna. His professional duties, however, prevented his acceptance.

Mr. Buck was at Vicksburg in legal practice until 1874, when he moved to Louisville, Kentucky. Here, in 1875, he married Miss Elizabeth C., daughter of Dr. Henry M. Bullitt, a prominent physician, medical educator and writer. He continued here in the practice of law until 1878, when other interests took him to Woodford county. There, on the death of the Democratic nominee for county attorney, just previous to the election, and shortly after Mr. Buck had located in the county, he was put forward by his home district for the nomination. He was a very close second in the convention. There were four candidates, and this campaign was one of the most memorable local contests in the history of the county. One of the defeated contestants for nomination in the convention bolted and made a vigorous fight against the nominee. Mr. Buck took the field and supported the nominee with great earnestness. A little later he was, without being consulted or even knowing such action was contemplated, elected to the magistracy of his district on the coun-

ty bench, which place he filled until shortly before he was appointed by President Cleveland to be envoy extraordinary and minister plenipotentiary of the United States to Peru. Mr. Buck was one of the youngest men ever appointed from this country to a diplomatic office so important. Although he had been recommended for the place by both the senators of Kentucky and all her congressmen except two, by all the judges of the court of appeals and the superior court, and by many other business, official and professional friends of Kentucky and other states, his appointment caused a sensation. Perhaps few appointees to a like office have at any time received such assurance of sympathy and interest. Peru, having passed through a devastating struggle with Chili, was then engaged in a civil war. There had been attritions with this country and she had just abrogated her treaties with the United States. Mr. Buck reached her capital in June, 1885, and upon arrival was shocked by the intelligence that his predecessor in office, the Hon. Mr. Phelps, had died the previous day, from a peculiarly dread disease of the Andes, "Oroyer fever." He also found Lieutenant Nye, naval *attaché* of the legation, ill of the same mysterious and fatal malady, from which he died some forty days later. The young minister's first official appearance was at the state funeral accorded by the Peruvian government to his predecessor, the late Minister Phelps.

Mr. Phelps had expected to remain at the post until the new minister's assumption of its duties; but, thus deprived of counsel and aid from his predecessor, when much important business was pressing in accumulated force,—almost in the shadow of death Mr. Buck had to confront the duties of office in a land of turmoil and strife under most perplexing and difficult conditions. The distant authority of his own government could be consulted only by cable, and at such cost as precluded its use save in the briefest manner and on occasions of most urgent need. Few men have at any time entered upon such a position of responsibility under such staggering difficulties and depressing experiences.

The "Foreign Relations" of the United States for 1885 reveal in lengthy publications how important the state department considered the new minister's ever watchful study of and reports upon the country's disturbed condition as affecting American interests there. Yet, the greater part of diplomatic work being of a secret character, that which is published indicates of necessity but a small part of what was accomplished.

While Mr. Buck was engaged in his important official duties the war cloud thickened and grew darker about Lima. Late in November it broke into the thunder of battle around the capital! Three days of bloody fighting outside, and an all-day's engagement on December 1 in the city's streets, and from her church towers and houses, followed,—of which Mr. Buck was a witness, for his legation was within a block of the central point of attack.

On the evening of December 1 the government of President Iglesias invoked the intervention of the diplomatic corps to make terms for peace with General Caseris, the commander of the opposing forces. Through the mediation of this body terms were effected, and Mr. Buck's name headed the diplomatic signatures to the first note seeking to save the capital from bloodshed, as it appeared also in the compact of final set-

tlement by which peace was restored, and legal government re-established under a provisional government, which, under terms of the settlement, was to order the election of a congress and a president.

These events, with such portions of the documents as were published, appear in the "Foreign Relations for 1885–6."

Very shortly after this Mr. Buck became dean of the diplomatic body at Lima.

Upon the establishment of the new government under President Caseris, it soon became apparent that congress was determined to annul all obligations and contracts of the preceding Pierola and Iglesias *regimes*, including those entered into with foriegners. Soon a law to that effect was passed. These large contractual concessions included vast railroad interests valued at many millions of dollars held by American citizens. Their seizure by executive and legislative pronunciamentos meant incalculable disaster to Americans and American interests in Peru. It became necessary for the American minister to act promptly and decisively, in anticipation of danger, before the congressional decrees were applied to property held by Americans. Under date of October 20, 1886, Mr. Buck made that announcement, subsequently approved at Washington, defining the attitude of the government, which became the protecting aegis of Americanism in Peru. Diplomatic contention raged over this, through voluminous correspondence for years; and in support of its claims war-ships were at times stationed in Peruvian waters. In this connection, by note to the foreign office at Lima, discussing the validity of the acts of the Pierola and Iglesias governments, Mr. Buck said:

"During all that period the United States, in company with other nations diplomatically represented in Peru, acted upon the principle of recognizing that political organization which manifested ability to maintain international and commercial relations with foreign countries. The acts of such a government are universally considered binding upon the nation it represents. This view is considered undeniable from an international standpoint, even when change in the essential form of government is involved; and it applies with greater force still when the change is only in the *personnel* of the government. Foreign cabinets cannot, as a rule, pass judgment upon questions which may divide a people as pertaining to their internal political condition, nor become partisans in the rights or the wrongs involved in local political issues of other countries; nor can they question the motives that produce results without also questioning the capacity of a people to influence their own conditions and destinies: they can only accept facts as they appear. The interests of recognizing nations, as well as both the interest and dignity of the recognized, demand this. Obligations affecting foreign interests incurred by a government which has been able to secure general recognition from other nations with which it maintains diplomatic and commercial relations, and contracts made by it in accordance with the then existing laws of the country, are to be regarded as obligations of the people it represents, and not as the personal engagements of the rulers. The latter may change with the currents of popular impulses, with the ebb and flow of varying influences, and with the mutations of public opinion or fluctuations of circumstances, or with the fortunes which a people may suffer or create for themselves; but the people remain bound.

"It results, as I think your Excellency will see, that my government could not consent that the interests of her citizens should be prejudiced through the instrumentality of decrees, whether they be legislative or executive, which proceed merely upon the assumption that some former government which has been internationally recognized as the lawful government of Peru, was not such government. * * *

"It seems to me proper that the present government of Peru should understand the views based upon international principles which have actuated the United States government in its relations with this republic, and the bearing of those views upon the interests of United States citizens."

More extended presentations of the same subject, from the objecting standpoint of Peru, and Mr. Buck's decisive and comprehensive rejoinder, may be read on pages 928 to 931 of the published "Foreign Relations of 1887." About this issue grouped some of the most important contentions between the two governments for years.

Toward the end of 1886 Mr. Buck visited Chili. Although he was in that country in an unofficial character he could not have been treated with greater consideration or more marked attention had an important official mission carried him into the republic. The fame of the position he had taken as minister in Peru had preceded him, and his arrival was anticipated with messages of greeting from the government at Santiago. Special trains all over the country were placed at his service; a military escort was tendered for a visit to the fierce Araucanians of the southern wilds, and in the capital, as everywhere he went, special social and official attentions were extended to him and to his family who accompanied him on his travels. Thus most gratifying opportunities were afforded for observations of the country, the people and their institutions. The knowledge thus acquired was of good service later, during the devastating epidemic of cholera in Chili, when quarantine restrictions cut off from our country its legation at Santiago. Then Mr. Buck's acquaintance with that country and his sources of information, though in Peru, enabled him to keep his government well advised of the progress of events in that distant land.

For six years prior to the pacification of December, 1885, of which mention has been made, Peru had been involved in foreign and domestic wars. During this distressing period questions of divers character had accumulated, growing out of murders, imprisonments, mob violence, military seizures and confiscations, in violation of the neutral rights of American citizens and interests. These, with exceptionally important current business, rendered Mr. Buck's administration for the four years—1885–9—the most onerous and responsible, perhaps, in the history of our diplomatic representation at Lima. Of these many issues the most threatening and troublesome related to the American-held railroads; the Mollendo consulate incident, which for a time assumed an angry attitude but was ably adjusted by Mr. Buck; and the McCord case, originating in an outrage upon, and imprisonment of, that gentleman while United States consular agent at Mollendo. The correspondence in this latter important case was recently demanded by the United States senate and published in a senate report upon the claim,—the senate committee adopting the views and arguments of Mr. Buck with most flattering approval. See published "Calendar No. 973 of the senate

in the Fifty-third Congress," also "Executive Documents Nos. 4 and 18" of the same session of congress. On pages 13 to 20 of the senate committee's report is copied Mr. Buck's exhaustive correspondence on the subject with the Peruvian foreign office.

International liability for crime against a neutral foreigner by the military in time of war was discussed in the distressing "Owen Young case." Young, a United States citizen, was shot down at his own door in the presence of his comrades by a Peruvian soldier of the Iglesias army. Our country demanded punishment of the murderer and indemnity for the family of the murdered man. The question of international government liability for mob violence against a foreigner was discussed for the United States by Mr. Buck in the leading case of R. J. Manning, where the person of a United States citizen was outraged and his property destroyed by an enraged mob instigated and led on by a priest. In this case, also, the United States government demanded punishment of the offenders and indemnity for the loss inflicted upon Manning.

These and many other grave questions had made it a matter of increasing importance that our relations with Peru should be definitely determined on the basis of a treaty. Mr. Buck received from the president special credentials authorizing him to enter upon negotiations to that end; and the confidence of our government in his discretion was evidenced in the character of these instructions, it being largely left to his judgment to evolve the manner of procedure and the terms of the proposed international compact.

In August, 1887, after months of discussion with the Peruvian government, the terms of a treaty were determined upon. The treaty itself received the prompt approval of the United States senate, upon its being submitted by the president. After a protracted discussion in the Peruvian congress, in special session assembled to consider this and some other matters, it was likewise approved by that body.

Mr. Buck had the further gratification during his term of office, under a special commission from President Cleveland for the purpose, to consummate this work of international law-making, by "the exchange of ratifications of the treaty," upon which it was put into operation. The labor involved in this work was immense, being greatly increased by the disturbed political condition of Peru. It was necessary to deal with several distinct cabinets, frequent changes being forced through conflicts between congress and the ministries. It is due to Mr. Buck's ever watchful and relentless prosecution of the subject that, notwithstanding such obstructions, the treaty was arranged, and in less time, perhaps, than any was ever effected with a Spanish-American country.

During his mission some pleasant duties, other than those championing American interests in the field of international discussion, and protection of his countrymen, devolved upon Mr. Buck. One of these was to arrange with the Peruvian government, in November, 1888, just before resigning his mission, for the import into Peru of "the plant" for astronomical observations in the high Andes, established under the auspices of Harvard University. Another was to present the government to which he was accredited with the memorial volume, "Tributes to the Memory of Lincoln," published under a resolution of congress approved February 23, 1881,—a most beautiful specimen of the engraver's art, where, upon illuminated pages glow a few of the world's

tributes to that distinguished president and great lover of mankind. In making this presentation,—the manner and form of which he was left to decide for himself,—in the course of his remarks, Mr. Buck said:

"In doing this I have much pleasure in the faith that among Peruvians there exists an appreciation—which finds its highest development where devotion to human freedom marks out highest types of generous and exalted manhood—for him who has been denominated the 'martyr president.' If I may be permitted to quote from the recent utterances of one of my gifted fellow-countrymen whose eloquence has sounded across the world: 'From the union of these colonists (Puritan and Cavaliers in the American federation), from the strengthening of their purposes and the crossing of their blood, slow perfecting through a century, came he who stands as the first typical American; the first who comprehended within himself all the strength and gentleness, all the majesty and grace of this republic; he was the sum of Puritan and Cavalier, for in his ardent nature were fused the virtues of both, and in the depths of his great soul the faults of both are lost. He was greater than Puritan, greater than Cavalier, in that he was American; and that in his homely form were first gathered the vast and thrilling forces of this ideal government, charging it with such tremendous meaning and so elevating it above human suffering, that martyrdom, though infamously aimed, came as a fitting crown to a life consecrated from its cradle to human liberty.'

"To the memory of this great and typical American this collection of specimen expressions, from many hearts in many lands, has been compiled; and its testimonial is but one more of many evidences of the veneration of the American people for him whose fame is a part of the history of this age,—an age which no one more than he has made to be reckoned the most progressive yet recorded in the annals of time in its triumphs for human liberty and humane civilization."

At noon, on March 4, 1889, the hour which closed the Democratic administration under which he accepted office, Mr. Buck cabled the state department that he would sail on the next steamer leaving for the United States, having prepared everything and so smoothed out "matters of state" that he could turn the legation over to its secretary, Mr. R. R. Neill, as *charge d'affaires ad interim*, without prejudice to the service.

It has been said that no United States minister to his time since that of Randolph Clay, who served in the '50s, had made such a favorable impression in Peru or had been the recipient of such attentions there, official and social, as Mr. Buck. His departure was marked by a gratifying demonstration. The special train which conveyed the minister and his family to the steamer in the bay of Callao, bore also a host of friends, who accompanied the party on board the steamer and filled the saloon until the moment of departure drew near, meanwhile pledging in many sparkling glasses their good wishes.

Mr. Buck is a fond student of books. In them, he says, he has companionship with the masters of the world and the noblest people of every age. He is also a close observer of men and politics. In their more extensive phases he recognizes the struggle for the "survival of the fittest" in governmental ideas. For politics as an instrument of mere machine policies and expediencies, he has small regard. It is ever toward the

elucidation of truth his eyes are turned; and without having been, since early manhood, a candidate for elective office, he has been an active participant in most of the political campaigns of his day. His tastes are simple, quiet and refined. He is capable, when his interest and sympathies are enlisted, of great and sustained effort, relentless energy, and possesses great fertility of resources, as forcibly illustrated in his public service.

He is not only widely read, but he is also a felicitous writer, and has published much on literary as well as social and political questions. He is engaged in his profession at Louisville, where he resides, in one of the most beautiful portions of that beautiful city, with his family, which consists of his wife and two children,—a daughter, Miss Mary Elizabeth, just merging into womanhood, and a son, Charles L. N., now (1897) in the junior class of the Louisville high school.

JAMES A. McKENZIE, United States minister to Peru, was born in Bennettstown, Christian county, Kentucky, in August, 1840, and still maintains his home in his native county, in the pleasant town of Oak Grove. He is a representative of one of the distinguished families of the country. His parents were Judge William Washington McKenzie and Isabella (Ewing) McKenzie. The Judge served as a member of the senate of Kentucky for several terms, and was one of the most able and upright men of his day. Among those who have won prominence in the affairs of the nation and with whom the ties of blood connect him are Hon. Adlai E. Stevenson, late vice-president of the United States, James Ewing, United States minister to Belgium, Hon. James A. McKenzie, and Judge W. H. Ewing, of the superior court of Illinois.

In his early youth James A. McKenzie attended the common schools of his native county and later completed his literary education in Center College, of Danville. Subsequently he taught school for a time, but desiring to enter the broader field of law he prepared for the bar, procured his license and began the practice of his profession in Hopkinsville.

Mr. McKenzie was elected to represent his district in the legislature, and, finding affairs of state more agreeable to his taste, has been continuously in politics ever since. He seemed fitted by nature for the duties of statecraft. He possesses the even temperament and suavity so necessary to one who handles successfully the weighty and momentous affairs of state and upholds the dignity of the commonwealth or nation. At the same time his mind is broad and far-reaching in its scope, comprehensive and accurate in its judgment, and with a depth that is capable of strong and intense feeling, and unswerving loyalty to the cause he may champion. He was elected to congress, representing the second district of Kentucky in the house of representatives from 1875 to 1883. He took a very prominent part in the discussion of the tariff question, being one of the early reformers along that line, and was successful in securing a greatly reduced tariff on quinine. This led to his being popularly called "Quinine Jim." During the administration of Governor J. Proctor Knott—1883–1887—Mr. McKenzie occupied the position of secretary of state for Kentucky. He was vice-president and chairman of the board of control of the World's Columbian Exposition,

and was appointed by President Cleveland minister to Peru, which position he is now, 1897, acceptably filling. He has always been a supporter of Democracy and is recognized as one of the national leaders of his party. A gifted orator, his eloquence easily moves his auditors, and he has frequently been heard in the national conventions of his party. His life has been devoted to the public service: with a laudable ambition to achieve fame in the field of statecraft, his honors have ever been justly merited and have been worthily worn. He has labored for the interests of his country and his constituents; and in his diplomatic service, as the representative of the greatest republic on the globe, he has secured terms of relationship between the United States and Peru creditable and satisfactory alike to both powers. Mr. McKenzie is one of the prominent Masons of the state, and served as grand master for Kentucky prior to his appointment as minister to Peru.

Mr. McKenzie was united in marriage to Miss Amelia Parish, and they have three children: Mamie L. M., wife of Hubert P. Potter, a banker of Bowling Green, Kentucky; Kate A. and James A.

REMINISCENCES OF THE BENCH AND BAR OF HOPKINSVILLE.

BY HON. R. T. PETREE, HOPKINSVILLE.

THE city of Hopkinsville, Kentucky, now (1896) containing a population of eight thousand, was named for General Samuel Hopkins, and is the county seat of Christian county, which was named for Colonel William Christian. Originally Christian county embraced most of the territory in southwestern Kentucky, and extended to the Mississippi and Ohio rivers, from which territory all of the counties now constituting the first and second congressional districts have been carved.

The town was located in 1797, and, owing to its favorable location and the fertile lands surrounding it, early attracted young men of ambition and talent, many of whom afterward became famous as jurists, lawyers and statesmen. Some of them we will briefly notice in this sketch.

The first court-house in Hopkinsville was built of hewed logs, was twenty feet square, had puncheon floors, and cost about the sum of one hundred dollars. The present court-house of this city is built of brick and stone, and cost the sum of ninety-five thousand dollars. The first hotel was a cheap wooden structure (called the "Buzzard Roost"), and, as appears from the early records of the court, was the scene of many bloody tragedies. The last hotel was built in 1894, at a cost of over one hundred thousand dollars. It is called the Hotel Latham, and named for John C. Latham, a banker of New York city and former citizen of Hopkinsville.

But the object of this sketch is to notice, briefly, some of the men who have figured at the Hopkinsville bar as judges and lawyers, but who have now passed away. Prior to the adoption of the constitution of Kentucky, in 1849, the judiciary was appointed by the governor to hold their offices for life or during good behavior.

In 1803 Ninian Edwards was appointed judge of the district embracing Christian county, and was the first who filled that position. Afterward he was appointed to the appellate bench of Kentucky, and later emigrated to Illinois and was made governor and United States senator of that state.

Judge H. P. Broadnax, of Russellville, Kentucky, succeeded Judge Edwards, and he was, in turn, succeeded by Judge Benjamin Shackelford, who filled the office for thirty-six years and until the office was made elective, in 1851.

Judge Shackelford was an honest, upright judge, and was anxious to have the endorsement of the people, under the elective system, and became a candidate for the office he had held so long. His competitor was Mr. N. E. Gray, of Hopkinsville, who, although a fine lawyer and finished scholar,

was prosy and tedious as a speaker. The writer was present and heard the first discussion between these two aspirants for judicial honors before the people. Mr. Gray opened the discussion by referring to the long occupancy of the office by Judge Shackelford, when the people had no voice in the matter; and said that he had grown old, and would sleep on the bench while a cause was being argued before him, etc. Judge Shackelford replied by entering a plea of confession and avoidance, and said that he had never been overcome or yielded to the "sweet restorer," except when being addressed by his honorable competitor; and defied any man, of any age, to keep awake under such a trying ordeal.

Before the close of the canvass, Henry J. Stites, a rising young lawyer of the Hopkinsville bar, who was a Democrat, entered the race against his two Whig competitors and received more votes than both of them.

Judge Stites filled the office for four years, and became so popular as a judge that before the expiration of his term he was elevated to the appellate bench of Kentucky for a full term of eight years. Since that time the office of circuit judge of the Christian circuit court has been honorably and acceptably filled by Thomas C. Dabney, Collins D. Bradley and John R. Grace, of Cadiz, George B. Cook, of Princeton, R. T. Petree, of Hopkinsville, and by the present incumbent (1896), James Breathitt, also of Hopkinsville. The Honorable John R. Grace occupied the circuit bench continuously for a quarter of a century, and was then elected to the appellate bench, and died in February, 1896.

To give even a brief sketch of all the attorneys of the Hopkinsville bar who have gained honorable and enviable local distinction would extend this article beyond all reasonable limits, and therefore it is confined to those who have passed away, and been summoned before another bar.

Among the early members of the Hopkinsville bar were John J. Crittenden, afterward governor of Kentucky, United States senator and attorney-general under President Fillmore; Charles S. Morehead, who represented Christian county in the legislature of Kentucky, was afterward elected to congress and also to the governorship of the state; and Robert P. Henry, who studied law under Henry Clay, settled at Hopkinsville in 1812, and was twice elected to congress.

Rezin Davidge was also one of the pioneers of the Hopkinsville bar, and became eminent both as a lawyer and as an impassioned speaker. From 1820 to 1825 the people were wrought into a frenzy over the question of passing a law to stay the collection of all debts. Davidge took a leading part in behalf of the debtor class in this controversy, and the legislature attempted to abolish the court of appeals and to organize a new court, of which Mr. Davidge was made a member. The Old and New Court controversy marked a period of the most intense excitement that has ever existed in Kentucky. Judge Davidge died at the age of ninty-seven years.

Fidello C. Sharp, Robert McKee, Hiram A. Phelps, Joseph B. Crockett, Colonel James F. Buckner and others, now passed away, were excellent lawyers and enjoyed a lucrative practice at the Hopkinsville bar.

Mr. Sharp's specialty was land litigation. His early education was limited, and his chirography and orthography were ever sources of amusement to the bar. But he overcame all obstacles by the force of his

indomitable will and common sense, and amassed a comfortable fortune. Whenever a case of John Doe versus Richard Roe was called, Mr. Sharp would answer for either the plaintiff or the defendant; and when this legal common law fiction was dropped, in 1851, Mr. Sharp's name, by reason of advanced age, ceased to appear upon the docket.

Benjamin H. Bristow, late prominent in the military and civil service and as a member of President Grant's cabinet and as a candidate for the presidency of the United States, located at Hopkinsville in 1857, and practiced his profession, in connection with R. T. Petree, until 1861.

In addition to the resident lawyers of Hopkinsville, many visiting lawyers, from surrounding counties, practiced regularly at the Hopkinsville bar, and would remain during the terms of court. From the county of Trigg came Matthew Mayes, who had few superiors, as a lawyer, in the state of Kentucky; also Collins D. Bradley and Thomas C. Dabney, from the same county.

Mayes and Bradley located at Cadiz, Kentucky, at about the same time, when they were young men, and were employed on opposite sides of every important case at the Cadiz bar for a third of a century. The constant friction of many legal battles generated in each a feeling of intense hatred for the other; and it was predicted that they would die about the same time, for the reason that the survivor, losing his accustomed bellicose food, would soon follow his old competitor; but the Civil war found them both arrayed on the side of the federal government, and they vied with each other in their hatred of rebels, which proved a panacea for all their ills, and, soon after the war, they died excellent friends.

Judge Elijah Hise, of Russellville, afterward elected to the appellate bench, and Hon. Francis M. Bristow, of Elkton, a member of congress, both practiced at the Hopkinsville bar, as visiting lawyers or circuit-riders. Mr. Bristow was eminently successful and was esteemed, not alone for his great legal ability, but also on account of his exalted moral and Christian character, which made him well-nigh invincible before a jury. The writer will close this sketch by giving the anomalous result of a lawsuit in which he was engaged at the Hopkinsville bar, and in which both the plaintiff and the defendant were winners.

A very humane testator, who believed in the gradual emancipation of slaves, directed, in his last will, that the offspring of his female slaves should become free when they attained the age of twenty-one years. A son, who was the legatee of one of his female slaves, about sixteen years of age (then called a "nigger girl"), sold her to an innocent purchaser, with a warranty of title, for eight hundred dollars, without disclosing the provisions of his father's will on that subject.

The purchaser, being a pro-slavery man "per se," filed suit to rescind the contract and to recover the purchase money paid for said female slave, and asked that she might be sold to reimburse him, as far as the price would go. This prayer was granted by the court and the girl was sold, at the courthouse door, to the highest bidder, the facts all being made known; she brought one thousand dollars, which reimbursed the purchaser and left two hundred dollars to be paid to the defendant. The purchaser (called in those days a "nigger trader") took her down south, away from her home and friends, and sold her to unknown

parties. Thus was defeated the benevolent purpose of the testator, and thus was inflicted a grievous wrong upon the innocent and helpless slave.

RICHARD T. PETREE, of Hopkinsville, was born in Todd county, Kentucky, in 1824. His father, Hazel Petree, a farmer by occupation, was born in South Carolina and came to Christian (now Todd) county, Kentucky, in 1810. He was accompanied by the grandfather of Richard T., who was of Scotch-Irish ancestry and served with the South Carolina troops during the war of the Revolution. The mother, Sarah Mobley Petree, was also born in South Carolina, and their marriage was celebrated in that state prior to their emigration to Kentucky.

Mr. Petree, whose name introduces this review, was educated in an academy of Elkton, Todd county, and read law under the preceptorship of Captain F. M. Bristow, who afterward served as a member of the constitutional convention of 1849, as a member of the state senate and of congress. He was also the father of Benjamin H. Bristow, who became secretary of the treasury during President Grant's second administration. Mr. Petree is a brother of Hon. H. G. Petrie, of Elkton, Kentucky. He was admitted to the bar in 1848 and the following year removed to Hopkinsville, since which time he has been a leading and influential member of the bar of that section. In 1851 he was elected to the office of county attorney and served for eight years. In 1862 he was elected circuit judge for a term of six years, presiding over the sixth judicial district, composed of the six counties of Christian, Todd, Muhlenberg, Caldwell, Trigg and Lyon. His practice has been general and includes connection with almost every important litigation in both the criminal and civil courts of his district. He was for a short time in partnership with his preceptor, F. M. Bristow, and in 1857 entered into partnership with Benjamin H. Bristow, the connection continuing until 1861, when Mr. Bristow entered the federal service as lieutenant-colonel. In 1884 he admitted into partnership his son-in-law, James W. Downer, and the firm of Petree & Downer has an acknowledged leadership in the legal profession in this section of Kentucky.

In Hopkinsville, in 1854, was celebrated the marriage of Judge Petree and Miss Mary W. Hubbard, who died in 1882. Three children of the family are yet living, Thomas N., Luther H. and Mrs. John P. Burnett; Mollie P., wife of James W. Downer, is now deceased.

During the period of the Civil war Judge Petree was a Unionist, and since that time has voted with the Democracy, but takes no active part in politics. For more than a third of a century he has been a member of the Baptist church and is well known for his benevolent and philanthropic spirit. His unswerving fidelity to the interest of his clients, combined with a true appreciation of the dignity of his profession, gives him a power and force in the court-room which it is difficult to combat. He is a man of unimpeachable integrity, and among Kentucky's lawyers none are more universally esteemed.

JAMES WALLER DOWNER, of Hopkinsville, was born in Todd county, Kentucky, on the 20th day of November, 1853. His grandfather, Benjamin Downer, came from Virginia to Kentucky, in 1811,

Yours Truly
R. T. Peters

and located in that county. His father, who was also named Benjamin Downer, followed farming in Todd county for many years, and was an influential and highly-respected citizen of the community in which he lived. He married Emily L. Pendleton, whose people also came from Virginia and located in Christian county, Kentucky, in the year 1812. Her brother, James M. Pendleton, D. D., a minister of the Baptist denomination, became a prominent divine, and was the author of a number of works on theological subjects.

Mr. Downer, whose name forms the caption of this article, spent his early boyhood days on the home farm, and attended, at intervals, the neighborhood schools. His educational opportunities and privileges were somewhat limited; broad reading, study and observation, however, combined with a retentive memory, have highly enriched his mind, and he is to-day one of the best informed men at the Hopkinsville bar. In 1874, when twenty years of age, he accepted the position of deputy in the office of the clerk of the circuit court of Todd county, and acted in that capacity for three and a half years. In September, 1878, he entered the law department of Cumberland University, of Lebanon, Tennessee, thus realizing a long cherished wish of preparing himself for the legal profession. In June, 1879, he graduated at that institution, was admitted to the bar, and opened an office in Hopkinsville, Kentucky. With the brilliancy of the Kentucky bar of earlier times to inspire them, it is no wonder that so many of her bright young men turn to the law; nor that, with such high ideals before them, they attain to positions of eminence in their chosen vocation.

Love of study, and a desire to carry his investigations into many fields of learning, have also been important factors in Mr. Downer's success. He is not only a close student of the science of jurisprudence, but he is also a man of scholastic tastes and habits; and it is true that no profession or business to which man gives his attention demands a broader range of general information than the law, which involves not only questions of morality and justice, but all the interests and labors to which human effort has been directed.

In July, 1881, Mr. Downer was appointed city attorney of Hopkinsville; was elected to the same office in the following December; and was re-elected in December, 1882. In January, 1884, he entered into a partnership with Judge R. T. Petree, for the practice of law, which connection has continued until the present time. His practice is extensive, and general in its character. He is now attorney for several corporations, including the Planters' Bank, the City Bank and the First National Bank,—all of Hopkinsville; and of the last-named he is a director.

In August, 1891, Mr. Downer was elected to the state senate from the sixth district, composed of the counties of Christian and Hopkins; and served through the "long parliament" of 1892–3, the session of the general assembly following the adoption of the state constitution of 1890, when the revision and enactment of the statutes were the matters under consideration. He served on the senate judiciary committee, of which Hon. William Lindsay (now United States senator) was chairman; and his knowledge of the law made him a valuable member. As a member of this committee, many of the most important chapters of the present statutes were referred to him for examina-

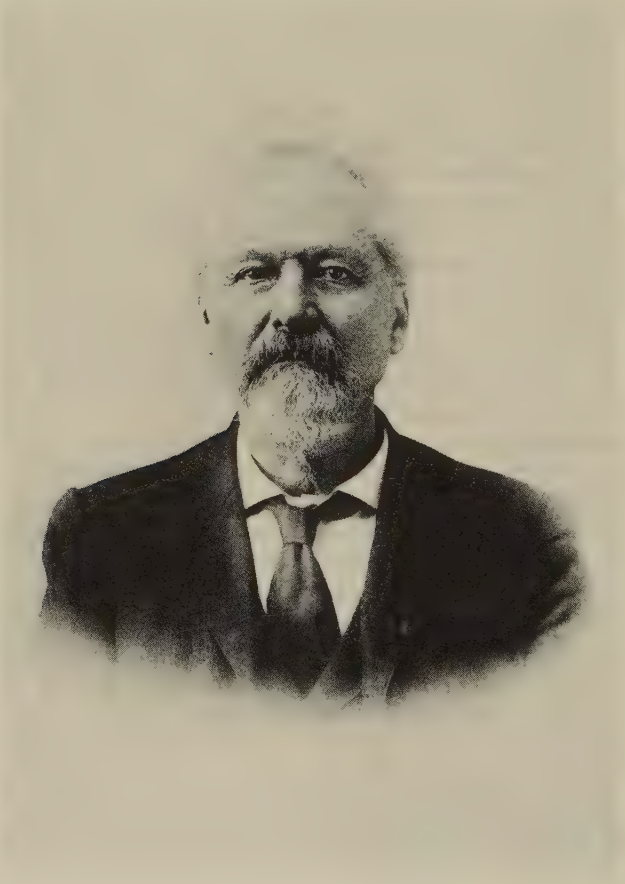
tion and report. He also served on the committee on the capitol and public buildings. He took a prominent part in the formation of the laws, and introduced and advocated a bill providing that employees of railroad companies who had sustained personal injuries in the discharge of duty should have greater rights in the state of Kentucky than they now possess. This measure was known as the "Fellow-Servant" bill, and, after a long struggle, failed to pass.

In January, 1896, Mr. Downer was appointed one of the commissioners of the Western Kentucky Asylum for the Insane, by Governor W. O. Bradley, for a term of six years.

In October, 1883, Mr. Downer was united in marriage to Miss Mollie D. Petree, the accomplished daughter of Judge R. T. Petree, his law partner. She died in December, 1894, leaving one daughter, Louise Hubbard Downer, now five years of age. Mr. Downer is a leading member of the Baptist church of Hopkinsville, and for fifteen years has served as its treasurer. He is a man of fine personal qualities, and his straightforward deportment merits and receives the highest esteem.

JAMES BREATHITT was born in Hopkinsville September 4, 1852. The family name is ineffaceably inscribed on the pages of Kentucky history. William Breathitt, the great-grandfather, was born in Scotland, and at an early day crossed the Atlantic to Maryland, whence he removed to Russellville, Kentucky, early in the nineteenth century. Two sons of William Breathitt were lawyers: James Breathitt, who was commonwealth's attorney for a number of years, and was regarded as one of the able lawyers of the state; and Governor John Breathitt, of Russellville, a man of great popularity, who was elected lieutenant-governor of the state in 1828, as a Democrat when a Whig governor was elected. In 1832 he was elected governor when a Whig lieutenant-governor was successful. John W. Breathitt, father of our subject, was the son of James Breathitt. He served throughout the Civil war as major of the Third Kentucky Infantry in the United States service, participating in numerous engagements. For sixteen years he served as county clerk, and for three years was county judge of Todd county. He married Catherine Webber, a native of Hopkinsville, Kentucky, and a daughter of Dr. Augustus Webber, a physician of wide reputation and practice, who died in Louisville, in 1870, at the age of eighty-three years. He was of German extraction, his grandfather having emigrated to America. The family came to Kentucky in the pioneer days, and erected the first brick building in Hopkinsville.

James Breathitt was a lad of ten when the Civil war was inaugurated, and the vivid impressions of those stirring times remain indelibly stamped upon his memory. The public-school system of the state was disorganized by the struggle; slaves were freed and his family impoverished; James had but limited educational privileges, and was forced to go to work on the farm. He studied at home under the direction of his parents, and began life early as a clerk in a dry-goods store in Cadiz, where he remained for two years. While so engaged, at the age of sixteen, he determined to follow in the footsteps of his honored grandfather and illustrious uncle, and to this end he borrowed books of an attorney in the neighborhood,



which he eagerly perused. He also read law at Evansville, Indiana, for four months, and then returned to Hopkinsville, where he secured an appointment as deputy sheriff, and while so employed his father was elected county clerk. He served then as deputy county clerk, and during that time saved money enough to go to college, for it was his great desire to thoroughly and systematically prepare for his chosen calling. He graduated in the law department of Cumberland University with the class of 1877, and was admitted to the bar in Hopkinsville in September of that year.

Mr. Breathitt has since been engaged in continuous and successful practice in his native city. He has been four times elected city attorney, entirely without solicitation on his part,—a fact which well indicates his personal popularity and the confidence his fellow townsmen have in his ability. In 1881 he was elected to the Kentucky house of representatives, and in 1885 was re-elected. He served on the committees on judiciary, code of practice and education, and was the first to introduce a bill into the Kentucky legislature to equalize the distribution of the school fund among both the white and colored children. Later a substitute for the original bill was passed. Mr. Breathitt was elected on the Republican ticket circuit judge in the fall of 1895, in a district containing fifteen hundred Democratic majority. He has supported the principles of Republicanism since attaining his majority, and though in an acknowledged Democratic stronghold such is his personal popularity and his high standing as a lawyer that he has thus often been the people's choice to represent them or their interests. At the Hopkinsville bar he has few superiors. He is a speaker of great oratorical power. He is deeply interested in all educational matters, has been active in promoting the cause of the common schools and in securing the levy by tax of all needed appropriations in their behalf. He voted for and aided in securing the erection of the graded-school building of Hopkinsville, which has been of inestimable benefit to the community.

Judge Breathitt married Miss Olivia Thompson, daughter of George V. Thompson, a tobacco broker of Hopkinsville, and a granddaughter of Judge Ed Thompson, of Trigg county. They have three children: James, John W. and Elizabeth. Since early youth Mr. Breathitt has been a member of the Baptist church. His wife is a member of the Methodist church.

EDWARD PETER CAMPBELL was born in Caldwell county, Kentucky, on the 21st of October, 1832, and died in Hopkinsville, June 30, 1896. His parents, Samuel and Lucy (Wilcox) Campbell were of Scotch-Irish parentage. The father removed to Christian county, Kentucky, when about seventeen years of age — a young man without friends, influence or wealth to aid him on the journey of life, but the possibilities which lie before every individual he utilized and steadily worked his way up to a position of affluence.

Mr. Campbell, whose name begins this sketch, acquired a liberal education in the schools of Christian county and of Cumberland College, and in 1855 began the study of law with Judge George B. Cook, of Princeton. After his admission to the bar he began practice in Princeton, and in 1865 removed to Hopkinsville, where he soon won distinction as one of the most able

practitioners in that section of the state. He was remarkably successful, his mind being peculiarly adapted to the handling of the intricate questions of jurisprudence, which require the most careful analysis, the closest reasoning and clearest presentation. In 1860 Mr. Campbell was elected commonwealth's attorney for the Twenty-fifth judicial district and served eight years. In 1871 he was elected to the state senate, but resigned the following year in order to give his undivided attention to his profession. He was a man of honor and integrity and a public-spirited citizen. It was said of him that he was one of the oldest and best known and most accomplished members of the bar, a lawyer of great ability and high attainments, ever faithful to the interests of his clients. The bar of his county passed resolutions of respect at the time of his death and the entire community mourned his loss. He was elected president of the Bank of Hopkinsville and devoted his time to the banking business for several years prior to his death.

In 1858 was celebrated the marriage of Mr. Campbell and Miss Caroline E. Taylor, daughter of Dr. William Dabney Taylor, a man of high culture. He graduated at a medical college in Philadelphia and in Cincinnati, and attained a high degree of success as a practitioner in Jefferson county, Kentucky, where he followed his profession until his death at the comparatively early age of forty-five. The children of Mr. and Mrs. Campbell are Edward, of the American Central Insurance Company, of St. Louis; Walter, who is engaged in the insurance business; Charles, who is attending school in Louisville; Hugh, a reporter for the Independent, of Hopkinsville; and Flavius, in Hopkinsville.

Mr. Campbell was a stanch advocate of the principles of the Republican party, but not an active participant in the strife for office, which he never sought and frequently declined. He belonged to the Masonic fraternity and for years was an active member in the Baptist church. He gave his hearty co-operation to all enterprises calculated to prove of public benefit, and was ever thoughtful of the interests of others, while to young men just starting out in the legal profession he was especially helpful.

HUNTER WOOD, of Hopkinsville, was born in Albemarle county, Virginia, on the 2d of November, 1845, and is one of the adopted sons of Kentucky who has attained prominence at the bar. The family is of Welsh origin and was founded in America long prior to the war of the Revolution. The grandfather, Colonel Thomas Wood, was an officer in the war of 1812. The father, Dr. Alfred C. Wood, was educated in the University of Virginia, and became a prominent practicing physician. He married Martha Walker Rogers, of Albemarle county, Virginia, a descendant of Dr. Thomas Walker, the first white man who ever came to Kentucky, the year of his visit to the state being 1754.

Hunter Wood of this review, was graduated at the Virginia Military Institute, of Lexington, Virginia, in 1864, and the same year entered the Confederate army, serving with a company of cadets and participating in the battle of Newmarket, Virginia, where the company suffered very severely. After the surrender of General Lee he was paroled, in May, 1865. Upon his return home he resumed his studies and entered the University of Virginia at Charlotteville,

Albemarle county, as a student in the law department, and was there admitted to the bar in 1867.

Immediately afterward Mr. Wood removed to Hopkinsville, Kentucky, where he has since engaged in the prosecution of his chosen calling with that excellent success that demonstrates his ability and his masterful handling of the interests entrusted to his care. He was elected county attorney in 1870, for a term of four years, and in 1874 was elected commonwealth's attorney for a six-year's term. He was master commissioner at different intervals in the Christian county circuit court in the third judicial district between the years 1870 and 1894, holding the office altogether for ten years. He filled the position of United States collector of internal revenue for four years —from July 1, 1885, to July 1, 1889, under President Cleveland's first administration; and though maintaining his residence in Hopkinsville during that time conducted his office in Owensboro. He is a Democrat in political sentiment and is a delegate to the national convention of his party in 1884. He has several times been a member of the Democratic state central committee and the county central committee and has been very active in promoting the interests of Democracy, the principles of which he so warmly endorses.

Mr. Wood's standing as a lawyer is such that his name is enrolled among those whose powers have won for Kentucky its high reputation on account of the brilliance of its bar. He practices both in the civil and criminal courts and has been counsel in many of the leading cases that have come up for trial in his section of the state, among which are the following: The Ohio Valley Railroad Company versus Christian county, testing the validity of a tax levy in behalf of the same road; John Boyd versus B. E. Randolph, auditor's agent; C. M. Brown versus the Commonwealth, seeking to collect taxes withheld by the sheriff in his capacity as county collector; the city of Hopkinsville et al. versus George O. Thompson et al., concerning the validity of the water-works contract under the new constitution; E. P. Campbell versus F. W. Dabney; C. M. Brown et al. versus R. H. Holland, testing the application of the ward system in cities of the fourth class under the constitution of 1890; Willliam Cowan versus John P. Prausse, a contested election case in the election of county clerk. Mr. Wood has made a specialty of corporation law and is well versed on the intricate problems in this branch of jurisprudence. He is now attorney for the following extensive corporations: the Ohio Valley Railroad Company; the Cumberland Telephone Company; the Hopkinsville Water Company; the Hopkinsville Electric Light Company and the Hopkinsville Hotel Company.

On the 16th of December, 1868, was celebrated the marriage of Mr. Wood and Miss Rosalie Nelson Green, of Christian county, daughter of John R. Green, a farmer, and a granddaughter of Thomas Green, whose father, Robert Green, was an officer of the Revolutionary war and a member of the Society of Cincinnati. Mr. and Mrs. Wood have five children: Alfred Walker, of Kentucky New Era; Elizabeth N., wife of J. R. Barr, son of Judge J. W. Barr, of the United States district court; Hunter, who is attending the Lebanon Law School; Grace, and Hugh Nelson. Mr. Wood is an active and leading member of the Protestant Episcopal church, in which he has served as vestryman for twenty-five

years. He is a Knight Templar Mason, a member of the Independent Order of Odd Fellows, and of the Knights of Pythias and Knights of Honor fraternities. He is a man of wonderful energy and executive ability, and undertakes any enterprise with an enthusiasm that brings success. His capacity for work is very large, and to this may greatly be attributed his enviable career at the bar. He readily makes friends and has the happy faculty of drawing them closer to him as the years roll by, while his strong personal influence is felt by all with whom he comes in contact.

JOE McCARROLL, of Hopkinsville, was born in Christian county, Kentucky, on the 6th of April, 1848. His ancestral history takes us back to bonnie Scotland in the days when Clan McCarroll was one of the most numerous, prominent and influential in the kingdom. Deeds of bravery and valor illumine the pages of its annals, and down through the years its members have been leaders in business and public affairs. In the early colonial days of America, representatives of the name left their native hills and established a home in Maryland, whence the grandfather of the subject of this sketch, Dr. John McCarroll, came to Kentucky, locating in Hopkinsville, where he married Eliza Kelly. Their son, Charles A. McCarroll, was born and reared there, and throughout his life devoted his energies to agricultural pursuits. He married Eliza Ann Ellis, a native of Culpeper county, Virginia, and a lady of superior education and culture. Her father, Nicholas M. Ellis, a farmer of Hopkinsville, was a man of broad mental culture and the possessor of considerable wealth. She was also related to the Gunn family, many of whose representatives have acquired fame as physicians. Her grandfather, Ira Ellis, was a pioneer Methodist minister of this country of great ability. He removed to Kentucky with his son, Nicholas, and died in 1848.

Joe McCarroll was reared on his father's farm and attended the public schools during the regular sessions, while through the period of vacation he assisted on the old homestead, working in the fields until after the crops were garnered in the autumn. He afterward attended private schools and acquired a liberal general education. A desire to utilize his talents in the fields of jurisprudence led him to take up the study of law in the office of Judge Joseph I. Landes. Mr. McCarroll by his faithful diligence fitted himself for entrance into the law department of the University of Louisville, and provided for the expenses necessary to his law course by teaching school. His strong determination would brook no obstacles which honest effort might overcome, and in 1872 he was admitted to the law department of the university, where he was graduated in the class of 1873.

In March of that year Mr. McCarroll was admitted to the bar in Hopkinsville and there engaged in active practice, steadily building up a business which attests his ability and his devotion to the interests entrusted to his care. In 1878 he was elected city judge, called to office by the best citizens of Hopkinsville who wished to take the power from a "ring" that were opposing the best interests of good government. The purpose of his election being accomplished and the majesty of the law vindicated, Judge McCarroll resigned, but his resignation was not accepted and he was compelled to serve out the term. He has never

sought public office, and though frequently solicited to become a candidate and named for the position of circuit judge, he has steadily declined all advancement in that direction. His only public service has been in the line of his profession. On several occasions he has served as "special circuit judge" on the election of the bar in the absence of the regularly elected judge. His practice is confined entirely to civil cases. Since February, 1892, he has been local attorney for the Louisville & Nashville railroad company, is attorney for a number of large business concerns of Hopkinsville, and has been retained as counsel by the Standard Oil Company, the Columbia Finance & Trust Company, and other corporations. When he pleads a case there is no straining after effect, but a precision and clearness in his statement, an acuteness and strength in his argument which indicate a mind trained in the severest school of investigation to which the closest reasoning is habitual. There is a self-possession and deliberation in his argument that shows that he has mastered the situation and is ready to meet the attacks of the opposing counsel.

Mr. McCarroll married Miss Mary T. Holloway, a daughter of John G. Holloway, deceased, who was a prominent agriculturist of Henderson county, took an active part in politics and served his district in the state senate. Mr. and Mrs. McCarroll have five living children,—John H., Charles, Joe, Robert H. and William S.

In politics Mr. McCarroll is a Democrat. He is a valued member of the Masonic fraternity, belonging to the grand lodge of the state, and has been chancellor commander of the Knights of Pythias lodge, of Hopkinsville. He has been one of the trustees of the public schools for eight years, and has been largely instrumental in making the school system of Hopkinsville one of the best in the state. He is also a member of the board of managers of the Vanderbilt Training School of Elkton, Kentucky. Since 1871 he has been a member and steward of the Methodist Episcopal church, south, takes a very active part in its work, and does all in his power to advance those interests which will promote the education, material and moral welfare of the community. Over his life history there falls no shadow of wrong; his career is an open book that all may read. His manner is entirely free from ostentation, and his spirit is that of him who said:

> "Speak of me as I am. Nothing extenuate,
> Nor set down aught in malice."

FRANCIS M. BRISTOW, of Elkton, lawyer and statesman, was born in Clark county, Kentucky, August 11, 1804. His father, Rev. Archibald Bristow, was a Baptist minister of the "hard-shell" creed. Although his educational advantages were somewhat limited, he possessed a mind of unusual force and strength, and maintained throughout his long life a pure and spotless moral character.

Before F. M. Bristow, the subject of this sketch, had attained manhood, he came with his father's family to Todd county, where he spent the remainder of his life. For the time in which he lived he was liberally educated, being a good English and Latin scholar, and having a strong mind, well stored with knowledge gleaned from the best standard authors. He studied law while still living with his father on a farm, and a few years thereafter located in Elkton, the county seat of Todd county, and com-

menced the practice of law, which he continued with signal success until his death, except when engaged in the discharge of public duties. On the 10th day of June, 1864, while sitting in the shade of his favorite walnut tree, before his office door, he fell from his chair and died without uttering a word.

On the 31st of May, 1831, Mr. Bristow was married to Emily Edwards Helm, daughter of Benjamin Helm, of Elizabethtown, Kentucky. They had four children, the eldest of whom, Benjamin Helm Bristow, acquired great distinction as a lawyer and became a man of national reputation. He is noticed elsewhere in this volume. The other three children are living in Elkton. Mary Margaret is the wife of H. G. Petrie; Martha Maria is the wife of Rev. J. M. Gill; and Frank H. Bristow is the present county judge of Todd county.

Francis M. Bristow was not a politician in the ordinary acceptation of the term, or an office-seeker, but he was elected to and held some important positions. In 1831 he was elected to represent his county in the general assembly, and in 1846 was sent by his district to the state senate. In 1849 he was delegate from his county in the state constitutional convention, and in 1853 was elected to fill the unexpired term of Presley Ewing in congress. He was re-elected to the thirty-sixth congress in 1859, and was a prominent member of the celebrated "peace congress," which met in Washington to devise means, if possible, to avert the then impending civil war. In politics Mr. Bristow was a Whig, but when the question of secession arose he espoused the cause of the Union, and his conceded abilities, his great personal popularity and excellent character enabled him to exert a strong influence on behalf of his country in the great crisis of 1861.

Mr. Bristow devoted the greater part of his active life to the study and practice of his profession. He did not pretend to conduct a law school, but he had a good library, and his liberality, genial manners and kindly disposition drew to his office young men desirous of studying law, and it is safe to say that no lawyer of the state had as many law students in his office as Mr. Bristow. In the earlier days of his professional career it was the custom of the best lawyers to accompany the judge on his circuit, and in this way he met and came into competition with the most distinguished jurists in southern Kentucky, among whom were Senator Joseph R. Underwood, Judge Elijah Hise, George W. Ewing, Warner Underwood, William V. Loving, John McLorning, Ninien E. Gray, John W. Crockett, John H. McHenry and others; and all who knew Mr. Bristow agree that he was the equal of any of the notable lawyers that then traveled the circuit. He was not considered a great orator, but his addresses were characterized by an earnestness, a directness and persuasive force that were well-nigh invincible before a jury, and his success in this line was greatly promoted by his known integrity and the purity of his personal character and life. He seemed almost intuitively to discern the motives of men and what would influence them.

The writer heard him try a case before a jury in Logan county when public prejudice was strongly against his side of the question. A brother Methodist by the name of Evans had on a certain Sunday morning stripped and with a cowhide whipped a negro man, a slave of a neighbor of Evans, whose wife was owned by Mr. Evans. It was made to appear

that the slave husband had been limited by Evans as to the number and times of his visits to his wife, and that on the Sunday morning in question he was found with his wife in one of the cabins belonging to Evans, who, in order to teach him obedience to commands, very severely punished the negro. The owner of the man-slave sued Evans in trespass and employed Mr. Bristow as his counsel. In that day it was thought to be impolitic and was unpopular to invoke the aid of the law against any one who might see proper to punish a slave, whether his own or another's. Several eminent lawyers were employed by Evans, who talked loud and long about the necessity of suppressing insubordination of slaves, and so stirred the then prevailing pro-slavery sentiment that nearly every one thought the plaintiff's case was hopeless. Mr. Bristow was in his best mood. He appealed to the pride and sense of justice of the slaveholders. In a very serious and pathetic manner he reviewed the scene at old Billy Evans' on that Sunday morning, when he and his boys were tying and stripping the negro for his punishment. Mr. Bristow was a great admirer of Burns' poems and possessed the ability to read them with great effect. At the close of his speech he repeated a part of the Cotter's Saturday Night and in a most impressive manner quoted the lines:

"From scenes like these, old Scotia's grandeur springs,
That makes her loved at home, revered abroad.
Princes and lords are but the breath of kings,—
An honest man's the noblest work of God."

Mr. Bristow won his case and secured a goodly sum in "damages" for his client.

Mr. Bristow was an influential member of the Methodist Episcopal church, south, and did much in his day to build up her walls and sustain her institutions.

HAZEL G. PETRIE, of Elkton, was born in Todd county, Kentucky, in 1820, a representative of one of the pioneer families in that section of the state. His early educational privileges were supplemented by an academic course in Elkton, and as a preparation for his chosen life work he studied in the office, and under the direction, of F. M. Bristow, of Elkton, one of the most able attorneys of the state. After his admission to the bar he entered into partnership with Mr. Bristow—a connection that was continued until the latter's death. For more than half a century he has been a familiar personage at the bar of Todd and other counties in that section of the state, and almost from the beginning has been in command of a distinctively representative legal business which attests the high order of his talents. He has ever been a student of his profession and always has at his command the authority and precedent which sustain the argument he puts forth in defense of his cause.

His erudition and his interest in that which concerns the welfare of the state has made him a leader in public affairs, and in 1891 he represented Todd county in the constitutional convention. In 1895 he was elected state senator on the Republican ticket for a term of four years. In early life he was identified with the Whig party, and since the war has been a stanch advocate of Republican principles.

In 1852 Mr. Petrie married Miss Mary M. Bristow, daughter of F. M. Bristow. They have two children living—Mrs. Emma Bell and Benjamin Bristow Petrie—the latter a member of the bar and county attorney of Todd county. He wedded a daughter of Ben P. Perkins, a well-known lawyer.

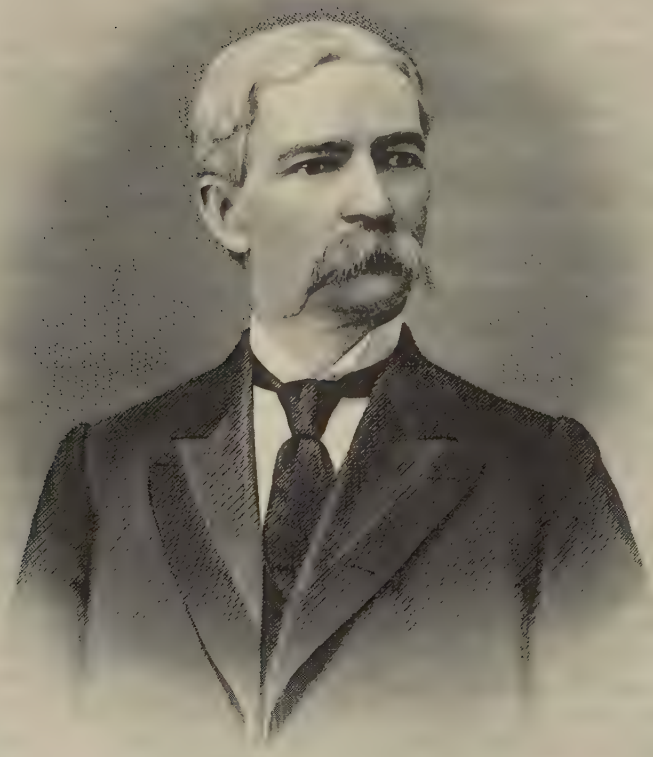
Deeply interested in the cause of educa-

tion, Mr. Petrie is serving as trustee of the Vanderbilt Training school, of Elkton, which was established by the Louisville conference of the Methodist Episcopal church, and his liberal contributions to the establishment of the school and its library have greatly advanced the institution. His Christainity forms an integral part of his nature; he is an active worker in the Methodist church, of which he is a member. His professional career is characterized by great industry, thorough preparation and loyalty to the trusts committed to his care. He is a gentleman of the strictest integrity and high moral character, who receives and merits the respect of all.

BENJAMIN THOMAS PERKINS, of Elkton, was born in Todd county, Kentucky, on the 24th of December, 1818. From an early period in the history of this state the family was connected with its development. His father was a native of Kentucky, made farming his life work, and died in Todd county. The son spent his boyhood days on the homestead and acquired his literary education in the schools of the neighborhood, to which was added the culture and knowledge that extensive reading and deep thought brings. From his early youth he cherished the hope of making the practice of law his life work, and in 1839 took the initiatory step by entering upon a course of study in the office of Hon. F. E. McLean, of Todd county, a lawyer and member of congress from 1849 to 1851. After a year's close study and earnest application Mr. Perkins was admitted to the bar and was at once elected city prosecutor, which office he filled acceptably for a period of six years. He was then elected clerk of the circuit and county courts and retained that incumbency for twenty-three years. Two years prior to the expiration of his term he formed a partnership with his son and namesake, and they became the leading law firm of Todd county. Their practice was extensive and their clientage was of a distinctively representative character.

From the beginning of his professional career Benjamin Thomas Perkins was unusually prosperous in every respect. He was learned in the science of jurisprudence and a most persuasive and powerful advocate. While not without that honorable ambition which is so powerful and useful an incentive to activity in public affairs, he regarded the pursuits of private life as abundantly worthy of his best efforts, and gave his undivided attention to his law practice, most loyally attending to the interests entrusted to his care.

During the war Mr. Perkins advocated the cause of the Union, and by personal endeavor and public addresses largely aided the cause of the government. He was an eloquent and convincing speaker, and his influence on public opinion was largely felt and was the means of causing many of Kentucky's sons to stand by the Union. He acted as commissary and quartermaster, and also recruited a large number of soldiers under a commission which he held from the government. In his own county he enlisted one hundred and one men, altogether some five hundred. He paid out many thousands of dollars of government money, and always had the perfect confidence of his men and the controlling powers in Washington. In 1864 he was a delegate from his district to the Democratic national convention in Chicago, which nominated General George B. McClellan for president.



Yours truly
Wilbur F. Wrooten

In 1842 Mr. Perkins was united in marriage to Miss M. J. Porter, daughter of Samuel Porter, a respected and worthy farmer of Todd county. In 1840 Mr. Perkins became a member of the Christian church and was active in supporting and advancing its cause. Throughout his life, whatsoever his hand found to do, whether in his professional or in his official duties, or in other spheres, he did with all his might and a deep sense of conscientious obligation.

BENJAMIN TAYLOR PERKINS, son of the foregoing, was born September 12, 1846, in Todd county, Kentucky, and was liberally educated, although his later studies were somewhat interrupted by the war. He chose for his profession the one of which his father was a member, and commenced diligently to qualify himself for its pursuit. In the winter of 1866–7 he became a student in the law department of the University of Virginia, and after completing the prescribed course of study in that institution he entered the law school of Louisville, Kentucky, where he continued his studies until 1868, when he was graduated.

Mr. Perkins returned to Elkton and has since been an honored member of the bar of Todd county, his talents and his merits rapidly gaining for him a high standing among his professional brethren. After he had engaged in general law practice for two years he was chosen to the position of commonwealth's attorney, in which capacity he creditably and satisfactorily served for four years. In 1874 he entered into partnership with his father and the connection was continued until the latter's death. In all departments of the law they enjoyed a large and lucrative practice, and the litigation which they had in charge was of a very important character.

Mr. Perkins has taken quite an active part in political affairs and warmly advocates the policy of the Democratic party. In 1875 he was appointed aid-de-camp on the governor's staff with the rank of colonel. He was appointed by the state convention a delegate from the third congressional district to attend the Democratic national convention held in St. Louis, Missouri, June 27, 1876.

On the 31st of October, 1867, Mr. Perkins was married to Miss Roxie Weathers, daughter of the late Thornton Weathers, who was a highly respected farmer of Nelson county, Kentucky. He is a man of strong intellectuality, untiring perseverance and keen discernment. These qualities, added to his splendid oratorical powers and his physical endowments of a fine presence and impressive bearing, insure success in his chosed vocation, while his pleasant and courteous manner secures to him a large circle of friends and insures the respect and esteem of all with whom he has come in contact.

WILBUR FISK BROWDER, of Russellville, was born December 12, 1848, in Clarksville, Tennessee, and has descended from one of the old Virginia families. His great-great-grandfather spent his his entire life in the Old Dominion, and sent two sons to the colonial army to battle for the independence of the nation. David Browder, the great-grandfather, married Sallie Pegram and both spent their entire lives in their native state, Virginia. Rich-

ard Browder, grandfather of our subject, was born in Dinwiddie county, Virginia, April 1, 1789, and with his brothers, William C. and Robert, came to Kentucky in 1819, each purchasing a tract of five hundred acres and becoming wealthy planters in this state. Before leaving the county of his nativity, Richard Browder was married, February 24, 1813, to Elizabeth Anderson, who died in Logan county, Kentucky, June 2, 1858.

David Browder, the father of Wilbur F., was born near Petersburg, Virginia, November 11, 1818, and became a resident of Kentucky the following year, when his parents took up their abode in Logan county. He was educated in the Russellville Academy, and after attaining his majority did an extensive business in the tobacco trade, preparing that product for foreign markets. In 1842 he removed to Clarksville, where he continued the same pursuit and also engaged in merchandising. His prominent connection with the commercial interests of that place made him one of the most valued and leading citizens ; but at length he removed to Montgomery, Alabama, where he engaged in merchandising and cotton-planting until his death, January 6, 1871. David Browder was married twice. On the 16th of April, 1838, he wedded Mary Evans, who was born in Logan county, Kentucky, in July, 1819, and died in October, 1839. On the 8th of November, 1842, Mr. Browder married Elizabeth E. Irvine, daughter of Caleb Irvine, a native of Tennessee. Mrs. Browder was born in Robertson county, Tennessee, May 16, 1823, and was educated in Logan College, then known as the Russellville Academy. She survived her husband about three years and died in Russellville, July 28, 1874.

Liberally educated in his youth, Wilbur F. Browder enjoyed the instruction of Dr. Moses, who is now the rabbi of the Hebrews' temple in Louisville, and by whom he was prepared for college. In 1865 he was enrolled among the students of the University of Virginia, at Charlottesville, where, on the completion of a three years' course, he was graduated, in the class of 1868, which numbered many members who have since attained national reputation in professional life. Mr. Browder was prepared for the bar in the State University at Lexington, Kentucky, where he began his studies, in September, 1868, and graduated in June, 1869, before he had attained the age of majority. His instructors in law were Madison C. Johnson, dean of the faculty, John B. Huston and William Cassius Goodloe ; and his exhaustive research into the intricate problems of the law gained him a prominent and comprehensive knowledge of the science of jurisprudence which is ever manifest in his presentation of a cause before judge or jury. From the time of his admission to the bar in November, 1869, Mr. Browder has been identified with the legal fraternity of Russellville, and the prominence of the cases with which he has been connected indicates his high standing in the profession.

Deeply interested in politics and the questions which involve the country's welfare, he has nevertheless steadily declined to enter the field as a candidate for political honors. In 1874 he was appointed registrar in bankruptcy for the third congressional district by the chief justice of the supreme court of the United States, upon the recommendation of Judge Bland Ballard, of the United States district court of Kentucky, and in that position he served acceptably until the repeal of the bankrupt law in 1878.

In 1880 he was appointed master commissioner of Logan county but resigned the same year. The Louisville & Nashville Railroad Company made him their local attorney in 1882, and he discharged the duties of that position until 1889, when he was appointed district attorney. From the organization of the Logan County Bank, in which he bore a part, he has served as one of its directors and stockholders, but his attention has been given almost exclusively to the legal profession. His career is one that commands public confidence and respect. His extensive legal learning and his ready application of it to the case in review, combined with sound, logical reasoning and fine oratorical powers, have won a place among the distinguished members of the bar in his section of the state.

He is a man of domestic tastes, and his interests and happiness center in his family. On the 18th of January, 1872, was consummated his marriage to Miss Bettie B. Mills, a native of Logan county, born March 11, 1849. She is a lady of culture and refinement, who has been highly educated, being a graduate of the Mary Institute at St. Louis, Missouri. She is connected with one of the most prominent Kentucky families, her parents being John M. and Eliza H. (Bibb) Mills,—the former born in Logan county, July 26, 1821, and the latter in Russellville, February 27, 1827. Her mother was a sister of Honorable George M. Bibb, of Russellville, who was the first chancellor of the old Louisville chancery court, judge of the Kentucky court of appeals, United States senator from Kentucky and secretary of the treasury of the United States under President Pierce. The family of Mr. and Mrs. Browder numbers five sons: Wilbur F., Jr., the eldest, was born November 24, 1872, and was educated in Bethel College at Russellville, and at the University of the South at Suwanee, Tennessee, being a member of the class of 1890 in the latter institution. He is now connected with the traffic department of the Louisville & Nashville Railroad. He was married November 23, 1893, to Harriet Morton Frazer, one of Russellville's daughters, born July 30, 1871. Marion Castner, the second son, born June 6, 1874, was graduated at Bethel College June 18, 1892, and at the University of Virginia with the class of 1894, completing his studies at the University of Berlin, Germany, in September, 1895. John Caldwell, born March 27, 1876, graduated at Bethel College in June, 1895, and is now a student at the University of Virginia. Lucien McClure, born February 26, 1878, is now pursuing his education at Bethel College; and Eugene Irvine, born July 4, 1882, and is now pursuing his studies in the schools of Russellville. All the sons are provided with excellent educational advantages, thus to be fitted for life's responsible duties.

SELDEN Y. TRIMBLE, of Russellville, Kentucky, was born in Caldwell county, this state, on the 19th of April, 1867, and is a representative of a family that for almost a century has been identified with the history of this commonwealth. His grandfather, William Trimble, was a native of Ireland, and crossing the Atlantic took up his residence in Logan county, about 1805. He married a Miss King, of that county, and their family included Selden Y. Trimble, Sr., who was born in Logan county on the 17th of September, 1827. He became a member of the Baptist church, entered the

ministry and after a number of years' service in different churches in this country went abroad as a missionary, laboring for a long period among the native population of Africa. He wedded Miss Mary E. Morehead, a daughter of James Morehead, of Logan county, and a relative of Charles S. Morehead, governor of Kentucky, and James T. Morehead, United States senator. Mrs. Trimble accompanied her husband to Africa and most ably assisted him in his noble work of bringing the people enshrouded in the darkness of paganism to the light of Christianity. She died in 1890, the Rev. Trimble having passed away in 1872.

Selden Y. Trimble, whose name introduces the initial paragraph of this article, acquired his literary education in Bethel College, of Russellville, where he was graduated with the class of 1886. Subsequently he taught school for two years, during which time he also read law. For a year he was a student in the office of S. A. Bass, a well-known attorney of Russellville, and in 1889 was admitted to the bar, since which time he has been actively engaged in practice. Recently he formed a partnership with Wilbur F. Browder in the practice of law. He is now attorney for the Deposit Bank, the Russellville Electric Light Company and the Russellville Building & Loan Association, and has a large clientage. His practice includes both civil and criminal litigation, and in the courtroom he manifests a self-possession and deliberation which show that he is master of his case and fully prepared to meet his antagonists of the forum. His talents, his acquirements and his habits all fitted him eminently for the bar, and during his seven years' connection with the courts of Russellville he has maintained his high character undimmed.

Mr. Trimble gives his political support to the Democracy, is one of the influential members of the party in his section of the state, and has served as chairman of the county Democratic committee. In 1893 he was elected to the house of representatives and was an active working member of the legislature, serving as chairman of the committee on corporations, and as a member of the committees on the judiciary, railroads and commerce, revenue and taxation. He also strongly advocated the "Woman's Property Rights Bill," which was passed at that session.

On the 14th of November, 1895, Mr. Trimble was united in marriage to Miss Maria Perkins, a daughter of Ben T. Perkins, Jr., a distinguished lawyer of Elkton, Kentucky. He is a member of the Knights of Pythias fraternity, and attends the Baptist church. Mr. Trimble, although a young man, has attained an enviable position at the Kentucky bar, and further successes undoubtedly await him.

THE BAR OF BOWLING GREEN.

BY HON. WILLIAM L. DULANEY.

FOUR years before the county of Warren was formed Michaux made his famous journey from the Ohio river to the Cumberland, where Nashville now stands, and was enthusiastic over the magnificent flora and fauna of the "Barrens," so large a part of which was afterward included in this county. In general, Green river was the northern boundary of this section, and it was almost bisected by Big Barren river, almost wholly the output of magnificent springs.

Upon its banks, where Bowling Green now stands, the Long hunters, attracted by the numerous buffalo, elk, and other large game, camped for a while and registered their names and the date of their visit. The rolling, prairie-like land, which from its dearth of timber the pioneers called the "Barrens," was the feeding ground of magnificent herds of buffalo, whose trails, even now, can be seen wherever cultivation has not obliterated them, and prairie chickens were as numerous as they have been on the plains of Illinois and other western states. These facts induced early settlement, and, in this region, many of the land warrants received by the soldiers of the Virginia lines were located toward the close of the eighteenth century; and when Warren county was created by act of the legislature of the new state, there was already a large population within its boundary actively engaged in agriculture and in trading down its rivers, which were the highway to New Orleans, and by the great trails which ran south, with the white and Indian population toward the gulf.

The need of a forum in which the various differences arising between the citizens could properly be adjusted, caused the extension, by legislative act, of the jurisdiction of the circuit court over the new county, and William Wallace, the judge of the circuit in which Logan county was situate, and from which county Warren was taken, was made its judge; in other words, the new county was added to the old district. Judge Wallace continued to preside at Bowling Green until his death. Tradition describes him as a tall, fair-haired man, of few words and much learning, who often passed on foot from one court to another, with his rifle on his shoulder, and that he was an unerring shot. He died in office and was buried at Russellville, where, at the head of its principal street, a large inscribed stone marks his resting place. He was succeeded by Henry P. Broadnax, a hard-headed Presbyterian elder, devoted to his profession and widely acquainted with even its black-letter learning, a bachelor, and, even in that day, a stickler for the proprieties, who never failed to require the greatest respect to be shown to the court when in session, by all in attendance. However rude and boisterous were the manners of the people, in the court over which Judge

Broadnax presided, neither tobacco smoke nor conversation was permitted. Communications other than from witnesses on the stand or attorneys in address to the court or jury, were by slightest whisper. In the language of an old citizen who has seen him on duty, "he took a hand and a half himself," asking questions freely of witnesses on the stand, and *Anglice more* of the attorneys when arguing before him.

While regarded as a severe judge in the enforcement of the rules of the court, he was everywhere recognized as a judge who was impartial and who loved the truth and right so well that he would go far to see that it prevailed. His administration of the office lasted for many years, when he died and was succeeded by Asher W. Graham.

After a number of years as circuit judge, Judge Graham was appointed to the bench of the court of appeals and continued there until the judicial officers in Kentucky were made elective by the constitution of 1850.

Judge W. V. Loving succeeded Judge Graham, and held the position until the first election under the new constitution, when he declined further service, and Judge Graham, tiring of service upon the appellate bench, was elected circuit judge and continued such until his death in 1866. He was an even-tempered man, patient and industrious. His indisposition to attempt to decide until he had mastered even the *minutiæ* of a case made him slow, and this grew on him until, in the great desire to be exactly right, it was sometimes thought that justice was unduly delayed. But his district was very large and the remedy for the proper disposition of the large increase of business in it, through the long term in which he served, was not promptly applied by the legislature by diminishing the district and giving longer time to try the overburdened dockets. However, the full consideration given to cases below aided much to prevent that congestion of business in the court of appeals, which now is almost fatal to the great body of litigants. A gentle, kindly man, and a devoted Christian, who accepted in his heart the answer to the first question of his catechism, he died beloved by every one who knew him.

He was succeeded by a comparatively young man, George C. Rogers, who died prematurely in his second term.

Those who practiced before him (and they include some who have held the office themselves) unite in pronouncing him to have been one of the best judges who ever presided in this circuit. Courteous, firm, quickly apprehending the facts of a case from its statement, he had that rare blending of politeness and decision of character which enabled quick despatch of business without offense to the bar, and with few of those "other appeals," said by Judge Grover, of New York, to be allowed to all litigants, to-wit, to adjourn to the corner grocery and "cuss" the judge! His Confederate sympathies during the civil war gave him the distinction of having, as a prisoner of the military, aided to throw up, with pick and shovel, the fortification walls that yet remain as reminders of that time when the laws were silent. It was beautifully said of an English judge that his impartiality, as such, was so perfect that he had no more idea that busy hopes and fears were raised by the pleadings in an ejectment suit than that the title papers filed were accurate pictures of the lands they described; and this might also have been said of Judge Rogers. His brother, John G. Rogers, was

for a great while a circuit judge in the city of Chicago.

John E. Halsell, of Warren, was elected to fill the vacancy made by the death of Judge Rodgers, but soon resigned, and Judge R. C. Bowling, of Logan county, succeeded him, holding the place for two terms, when William L. Dulaney, of Warren, who had twice been judge of the common-pleas court in the district, was elected as circuit judge. He was succeeded by Judge Willis L. Reeves, of Elkton, Kentucky. The district was now cut in two, and Judge W. E: Settle now presides in the Bowling Green district.

It thus appears that for more than a century there have been but ten judges in this circuit, and the terms of three of these,—Loving, Rogers and Halsell,—by resignation and death, were very short ones, which is without parallel in the judicial history of the state.

During this time, among those who appeared at the Bowling Green bar were John J. Crittenden, James T. Morehead, Elijah Hise, George T. Edwards, Solomon P. Sharp and others, in addition to the resident members of it,—men whose names are known as widely as is that of their mother state.

Among the earliest surveyors and locators was Edmund Rogers, from Goochland county, Virginia, who came as early as 1783, and who brought to his western home, from the same county, in 1803, Joseph Rogers Underwood, whom his parents had given to him that he might be properly brought up and educated. This boy was then twelve years old. His father, John Underwood, often represented that county in the legislature, as did his brother, Thomas, afterward. He was sent by his uncle successively to "Oldfield" schools near Glasgow, to Danville, to Lancaster, and finally to Transylvania University at Lexington, where he finished his education and began the study of the law with Robert Wickliffe, Esq., with whom he continued until March, 1813.

At this time, consequent upon the result of the battle of the River Raisin, where many of the best and bravest had found bloody graves, there was an almost universal cry for revenge, and Colonel William Dudley began to raise a regiment to go to the front. Captain John C. Morrison, of Lexington, began to raise a company to join this regiment and young Underwood was the first to volunteer. When enough men had joined to make up the company he had, in the election for lieutenant, an equal number of votes with a member named Conn. Conn proposed to decide the contest by the toss of a dollar, which proposition was accepted, and when Conn tossed up the coin Underwood cried "Heads!" and won the place. Dudley's regiment, immediately upon its formation, marched to join General Harrison's army, and in the action on May 5, 1813, known as "Dudley's Defeat," Captain Morrison having been killed, the command devolved upon Lieutenant Underwood. This action took place on the Maumee river, opposite Fort Meigs. The remnant of Dudley's regiment surrendered, after which many of them were killed while prisoners. Underwood was wounded and was, notwithstanding this, compelled to run the gauntlet, in doing which many of his fellow-soldiers lost their lives. With others, after this, he was taken into a British prison ship and finally released upon parole toward the latter part of June, and returned with his uncle, Thomas Rogers, who had come to seek him.

The grievous wound which young Underwood had received soon healed and he

recovered his wonted vigor, and in the fall of the year he received his license to practice law, and settled in Glasgow, soon receiving employment in the most important cases tried at that bar. He was a fine specimen of Kentucky manhood, over six feet tall in his stocking feet, weighing one hundred and ninety pounds, noted for swiftness of foot and sureness with his rifle, and familiar with the woods and the peculiarities of these self-reliant pioneers.

In 1816 he was elected to represent Barren county in the legislature, and in 1817 he was married to the daughter of John Trotter, Esq. She died in 1835, at Chameleon Springs, Kentucky. He continued to represent Barren county in the legislature until 1823, when he removed to Bowling Green, and in 1825 he was elected to represent Warren county in the legislature. During this term of service he voted against a a law offering a premium by the state for fox scalps, and the unpopularity of this vote in the eastern portion of the state was sufficient to turn the scales against him and in favor of Mr. Breathitt when he became a candidate for lieutenant-governor in 1828.

This defeat, however, was a blessing in disguise, as it enabled Governor Metcalfe to appoint him a judge of the court of appeals, which position he held until 1835, when he resigned to become a candidate for congress, to which he was elected by a handsome majority, and by successive elections he continued to serve in that body until 1843, when he declined further service in the house of representatives. In 1844 Judge Underwood was a candidate for presidential elector on the Whig ticket, was elected and with the other electors cast his vote for Messrs. Clay and Frelinghuysen for president and vice-president, respectively. This was the second time Judge Underwood had voted for Mr. Clay, having been one of the Kentucky electors in the college of 1824, at which time he voted for Mr. Clay and Mr. Calhoun for president and vice-president. The nomination for governor on the Whig ticket had been tendered to Judge Underwood, but this he had declined in favor of Judge William Owsley, with whom he had served upon the bench of the court of appeals. Judge Owsley was elected, and when it became necessary to elect a United States senator to succeed James T. Morehead at the winter session, 1847, the friends of Governor Owsley remembered the kindness, and this, with the numerous friends he had made, ensured his election over his opponents, Governor R. P. Letcher and Governor Metcalfe. Of the two, Governor Letcher was the stronger and it was between him and Judge Underwood that the choice was ultimately made. Governor R. P. Letcher, before the election, offered to decide the further candidacy of either by the toss of a dollar, but this Judge Underwood declined, saying that he had only consented years before to this mode of arbitrament, because there was no other way in which to reach a decision except in this appeal to God. It is almost certain from the statements of Judge Underwood's private journal that, had Governor Metcalfe been stronger than Governor Letcher, Judge Underwood would have withdrawn in favor of Judge Metcalfe, for he was greatly attached to him and would have been glad to have seen, and aided to procure, his promotion.

Judge Underwood served in the United States senate until 1853, when he retired to private life and continued the practice of his profession until the troublous times of 1861, when, at a special election, called to

fill a vacancy, he was, in the spring of 1861, again elected to a seat in the Kentucky legislature and at the next regular election he was re-elected, serving as chairman of the committee on military affairs. He was proffered the speakership of the body, but declined it and finally retired again to privvate life on March 3, 1863, his last vote having been recorded on the day previous.

In February, 1839, Judge Underwood married, as his second wife, Miss Elizabeth Cox, of Washington city.

In 1868, at an expense of one hundred and twenty-five thousand dollars, the county of Warren erected a court house at Bowling Green, and the following extract from the Bowling Green Democrat of August 22, 1868, has bearing upon the subject of this short memoir.

A BUSY LIFE.

Upon the opening of court for the first time in our magnificent new court-house on Thursday, July 30, 1868, Judge Underwood was present in court, made the first motion, and, by courtesy of the bar, was given choice of the desks as the oldest member. Although now nearly seventy-seven years old, he has during the present term of the court made several characteristically able arguments. His first speech as an attorney of the Bowling Green bar was made in February, 1814, in a log court-house standing between the present new court-house and the public square, since which time he has often represented the county in the legislature, has twice been presidential elector, in 1824 and 1844, each time voting for Mr. Clay, has been judge of the court of appeals, has served five sessions as member of congress, and one as United States senator and for the last years has diligently pursued his profession as a lawyer. A busy life, indeed!

Judge Underwood continued to practice law for several years after this and until his death, one of the most perfect specimens of hale and vigorous old age, retaining his mental ability to the last. His capacity to work was real genius, and this capacity was in no wise abated or discounted by any vicious habit. Even-tempered and self-contained, it could hardly be said, at his great age and with the great amount of work which he had accomplished, that he wore out. As one, when the day's labor is done, sits upon the door step of his home for a rest and falls to sleep, so it was with him.

Space will neither permit special notice of his judicial work nor of his forensic triumphs. The latter were won by no flashes of eloquence save such as sometimes spring from intense sympathy with a cause of which one is the champion. He loved the truth and was a logician who relied for success upon such array of argument as would convince the reason, and those among whom he did his life work had faith in the absolute integrity of belief and conduct that marked him as an honest man. He lived and died a member of the old-school Presbyterian church.

Probably the most successful advocate that ever appeared at the Bowling Green bar was William V. Loving. He was born in Nelson county, Virginia, March 22, 1803, and came to Kentucky when a small boy, upon his father's removal thither. He attended country schools in Warren county and a high school in Bowling Green, and and went thereafter to the University of Virginia, where he also studied law. He practiced his profession in Warren and adjoining counties, following the circuit, as was the custom. In politics an old-line Whig, and upon the dissolution of that party attaching himself to what was known as the American or Know-nothing party, his interest in politics, beyond his desire for the

welfare of the state, centered in the advancement of personal friends whom he deemed worthy rather than in gratification of any ambition of his own.

He was married to Amanda M. Graham January 6, 1829.

He filled the office of county and commonwealth attorney and circuit judge by appointment of the governor, but resigned the latter to take his place at the bar, which was preferred by him. In 1840 he was elected to the legislature and served for one term, resisting all importunities of his friends and fellow citizens to receive any further election. The fame of his forensic ability and his wide popularity in the state caused his nomination by his party for governor when its supremacy was greatly threatened, although he was not a candidate and was not present at the nominating convention; but he was forced to decline by reason of the state of his health, and Hon. C. S. Morehead was named in his stead and elected by a narrow margin.

After fifty years' continuous practice of his profession he removed to the city of Louisville, making his home with his son, Hector V. Loving, until his death, in September, 1883.

His acquaintance with the classics was very thorough, and he insisted that a happy classic or Shakespearean quotation never went unappreciated before any audience. His influence upon juries was very great,—possibly not always in the line of exact justice, for he very nearly adopted his client's cause as his own; and if he did not accept openly and in terms the definition of a lawyer's duty which Burke gave in Queen Caroline's case, it must be admitted that in fact he came very near it practically.

Of features as nearly mobile as were Curran's and a voice as responsive to his mood as a born Irishman's, he omitted nothing in the preparation of his case that was likely to affect the trial jury.

He was a member of the Presbyterian church.

One of the most unique figures in the political and professional life of southern Kentucky was James P. Bates. Tall, slim, dark-featured, with a voice like silver yet as penetrating as the shriller notes of a bugle, knowing a few books well, partisan of partisans as a Jackson Democrat, and leader of a militant minority in his congressional district, in which Elijah Hise could not win until the war disrupted all former political lines, James P. Bates was a power at the bar or on the hustings. The first time he canvassed Barren county for the legislature he went barefooted from poverty. This was in 1836, and he was re-elected time and again. He cast his fortunes with the Confederate states, and after the surrender at Appomattox returned to Kentucky and located at Bowling Green, where he practiced law until he died. Few more eloquent men have ever been known to the public life of Kentucky than Colonel Bates, and reminiscences of his professional life are sure to form a part of the conversation whenever members of the bar of his old district meet.

Judge W. H. Payne was born August 23, 1817, and died March 4, 1884, in Bowling Green. He was born in Virginia, the son of Edmund Payne, whose wife was a Miss Halley, of that state. He went to Mississippi and engaged in school-teaching during the year 1838, during which time he read law in his leisure hours, and, returning to Kentucky, he finished his legal studies in the the office of Loving & Grider, and at Tran-

sylvania University, at Lexington, Kentucky, and soon afterward began the practice.

In the fall of 1840 he married Lucy, the daughter of John Loving, Esquire, who died soon after marriage.

Judge Payne attentively and successfully pursued his profession, winning in a short time a place among the leaders of the bar. In 1846 he married Euphemia Y. Stubbins, the daughter of Samuel Stubbins, Esquire, who proved a helpmeet indeed, and who yet lives, loved and respected by all who know her.

Judge Payne was thrice elected county judge and became famous for the equity of his decisions, sometimes overriding a legal technicality with the abandon of an eastern cadi. He was senator in the Kentucky legislature for one term and a member of the house of representatives at the time of his death. By a peculiarly happy address in court and in his canvasses he was highly successful. He had a natural aptitude for mechanics, owned and operated much machinery of different kinds, and erected upon property which he owned in the city many handsome houses, of which he was his own architect. In his younger days of greater leisure he devoted some time to painting and some of his portraits yet remain to attest the fact that if he had continued in this he would have won fame as an artist. An impulsive, generous man, fond of his friends and prouder of his title "Kentuckian" than any Roman ever was of his citizenship, he had more devoted personal friends than men usually have.

He had been a member of the First Presbyterian church for many years before his death.

Robert Rodes, Wm. L. Dulaney, Henry Grider, Jere. Wilkins, Warner L. Underwood, B. C. Grider and George C. Rogers were among the leaders of this bar. Henry Grider and Warner L. Underwood each served in the legislature of Kentucky and in the congress of the United States, and Underwood was consul at Glasgow, Scotland, in President Lincoln's first term. B. C. Grider commanded one of the Kentucky regiments in the late Civil war, and George C. Rogers served as county attorney, member of the legislature and circuit judge. It is said by a member of the Bowling Green bar that it is no discredit to the others who have filled the place to say that Judge Rogers "taken altogether" was the best judge of them all.

Two of the most brilliant young men in the state, who died in early manhood, were Warner Underwood, Jr., and Will T. Cox. The first of these was chosen as register in bankruptcy for this district by Chief Justice Chase, and his construction of the different provisions of the act were widely quoted. He died while holding this office. His great aptitude for legal studies, the sincerity and earnestness of his life, and the purity of his character made his death a public loss. Will T. Cox was born in June, 1861, and died at Ocala, Florida, of consumption. He was elected to the legislature at twenty-four years, the constitutional age, and was twice re-elected. He was then elected as city attorney and held that office at death. He was a lovable and brilliant young man.

In civil, religious and political life, the present bar of Bowling Green will bear favorable comparison with any in the state. It embraces some most astute politicians, some most accurate and successful lawyers, some most devoted Christian gentlemen from whose ranks leaders in these activities are taken, and among the large number that

constitute it there is no drunkard. There are very few bars among the members of which so much is trusted to the word or promise of opposing counsel. West Point is not stricter in construction of verbal responsibility.

CLARENCE UNDERWOOD McELROY, of Bowling Green, was born in Lebanon, Kentucky, November 29, 1849. His paternal and maternal ancestry both include some of the most prominent and honored men that Kentucky has produced. His paternal grandparents emigrated from Scotland to America about 1760 and came to Kentucky in the latter part of the eighteenth century. They had two sons who became: eminent Presbyerian divines: one died in Detroit, Michigan; the other in New Orleans, Louisiana. The grandfather of J. Proctor Knott, one of Kentucky's governors, was a brother of the grandfather of Mr. McElroy. His father, A. B. McElroy, married Eliza U. Skiles, who belonged to one of the old and influential families of the south. Her parents, W. H. and Lucy U. Skiles, came to the state from the Old Dominion in the early part of the nineteenth century, locating in Warren county, Kentucky. Mrs. Skiles was a sister of Joseph R. and Warren L. Underwood, the former one of the greatest lawyers of southern Kentucky, and noticed elsewhere in this volume.

During the infancy of Clarence U. McElroy, his mother died and he was reared by his maternal grandparents. His education was acquired through the joint kindness of his grandfather and maternal uncle, Honorable H. H. Skiles, a lawyer, editor and politician, who served both in the house and senate of the Kentucky legislature. Mr. McElroy began his education in the common schools of Warren county, afterward attended "Forest Home" in Jefferson county and entered Center College of Danville, as a sophomore. He was graduated in that school with the honors of his class and took up the study of law, under the direction of Hornberger & House, in Clarksville, Tennessee. He began practice in Bowling Green in 1870, and still makes his home there. He was for a time associated in business with his uncle, H. H. Skiles, and when the latter retired from active practice Mr. McElroy entered into partnership with D. W. Wright, a connection that has since been maintained.

The reputation which this firm enjoys is most enviable. They have a very extensive *clientele* and have been retained as counsel for defendant or plaintiff in almost every important case which has come up for trial in this county for twenty years. Among these may be mentioned the case of the Bowling Green & Madisonville Railroad Company versus the Warren county court, involving the issue of bonds to the value of five hundred thousand dollars in aid of the railroad; the Robinson will case, involving a large estate which was bequeathed to a college in Warren county; the case of Shakers versus Underwood in which was raised and settled in Kentucky the question of the personal liability of directors of a bank for the felonious taking of special deposits by the cashier of the bank; the case of Chapman versus the Western Union Telegraph Company, involving the question of the liability of a telegraph company for "mental anguish" caused by the non-delivery of a telegram; the case of the Green & Barren River Navigation Company versus the Commonwealth of Kentucky, involving the constitutionality

of an act of the legislature repealing a charter. These and many other cases have demonstrated the superior legal talents of Mr. McElroy and gained him marked prestige as a representative of the Kentucky bar.

Not alone to his brilliant qualities of mind with which he was endowed by nature, but also to his perseverance and idomitable energy does he owe his success in life. As a lawyer he is noted for his integrity and his devotion to the interests of his clients, and to-day he stands as a foremost representative of the bar, well meriting the regard which is freely accorded him by the public and the profession.

In 1876 Mr. McElroy was first called to public office, being made an elector in the third congressional district, and in the electoral college supported Tilden and Hendricks. In 1877 he was elected a member of the house of representatives of Kentucky, and for four successive terms was a member of the legislature. In 1881 he was a candidate for speaker of the house and failed of election by only one vote. One of the most prominent and influential members ever in the general assembly, he advanced much important legislation. He served as chairman of the judiciary committee for two terms, was the author of one of the first acts whereby it was proposed to regulate the charges of railroads in Kentucky, was one of the authors of the act putting the state penitentiary under the warden system, author of the act which prevented the establishment of mixed schools for white and black children in Kentucky and which settled the continuance of the common-school system, and was one of the three commissioners who built and equipped the colored normal school at Frankfort. In 1894 he was nominated by acclamation as the Democratic candidate for congress in his district, but was defeated at the polls with all the others on the ticket. He has always been an active supporter of the Democratic party, and his eloquent advocacy of its principles had materially promoted its growth in his section of the state.

In October, 1884, Mr. McElroy was united in marriage to Miss Litie H. Trigg, of Glasgow, Kentucky, daughter of H. C. Trigg, a native of Barren county, and a son of Alanson Trigg, who was born in Virginia. Mr. McElroy was made a Master Mason in 1895; his attention is given almost entirely to his profession, wherein he has attained an honorable name and a comfortable competence.

ROBERT RODES, of Bowling Green, was born near Lancaster, Kentucky, September 28, 1824. The family of which he is a representative was founded in America between 1650 and 1660, by an Englishman of the name, who, although not a royalist, was banished from his native land by Cromwell, probably because he did not believe in the right of the great commoner to usurp the British throne. Clifton Rodes, the father, died in Danville, Kentucky, December 28, 1878, after passing his eightieth birthday ; and his wife, Mrs. Amanda Rodes, died in Danville, in 1885, a few months before the eightieth anniversary of her birth. She was the eldest daughter of Governor William Owsley, who died at her home in Danville, in December, 1862, at the age of four-score years. Tradition says that the Owsley family is of French origin and was founded in England about the time of the Norman conquest.

During his early youth Robert Rodes

accompanied his parents on their removal to Madison county, and resided near Richmond until fifteen years of age, after which he spent five spent five or six years in Danville. He attended the schools of Richmond until fitted for entrance into Center College, at Danville, where he was graduated in September, 1843. He began the study of law in Frankfort, continuing his reading in 1847–8 under the tutorage of Judge Victor Monroe, subsequently United States judge of the district court in Washington, a worthy man and a good lawyer. He was a son of Thomas B. Monroe, judge of the federal district court of Kentucky.

Mr. Rodes was married to Miss Mary Grider, daughter of Hon. Henry Grider, in February, 1849, and in June of the same year removed to Bowling Green, where he has resided ever since, engaged in the practice of law. In 1853 he was elected to represent his district in the lower house of the state legislature, and in 1890 was elected a delegate to the convention called to form a new constitution. In 1891 Center College, of Danville, through its trustees, conferred upon him the honorary degree of LL. D.

During the war Mr. Rodes was an ardent and uncompromising Union man and advocated the cause of the national government at Washington from the stump in a number of different counties. Since 1876 he has generally voted the Democratic ticket. He is warmly attached to the polity and doctrines of the Presbyterian denomination, partly because they are closely allied to civil and religious liberty. He is the senior member of the bar of Bowling Green and has long stood at the head of the procession. His success in life is attributable to his force of character, having for its actuating influence an admirable fixedness of purpose and integrity which has never been called in question.

Mr. and Mrs. Rodes have six children: Henry Clifton, now vice-president of the Citizens' National Bank, of Louisville; William O., attorney-at-law, of Bowling Green; Shilly, wife of W. E. Settle, circuit-court judge; Sally; Robert, who is now sheriff of Warren county; and John Barret, also an attorney at Bowling Green.

HENRY GRIDER, of Bowling Green, five times a member of congress from Kentucky, was born in Garrard county, this state, in 1796, and died on the 9th of September, 1866. His father, Henry Grider, Sr., was a patriot of the Revolution, who, after the establishment of the republic, removed to Kentucky and took an active part in those events which opened up this territory to civilization. He was frequently engaged in the conflicts with the Indians, participated in the ever memorable battle of Blue Licks, and when the country again was at war with Great Britain he loyally went to the defense of his native land.

In the field of politics Henry Grider, Jr., no less faithfully served his nation. He received a good English education and with his father and brother participated in the war of 1812, serving with Governor Shelby in his campaign. He prepared for the practice of law in the office and under the direction of Hon. Frank Johnson, of Bowling Green, and after his admission to the bar won a foremost place in the ranks of the legal fraternity. His fitness for leadership and his ability to handle the affairs of state led to his election to the lower house of the legislature in 1827, and so capably did he serve that he was again chosen for the same

office in 1831. On the expiration of his second term he was elected to the state senate, where he served four years, and in 1843 he was chosen to represent his district in congress, where by re-election he was continued until 1847. During the period of the Civil war he again represented his district in congress, being elected in 1861, 1863 and 1865. He served on the committees on Revolutionary claims and mileage, and was one of the leading working members of the house. All through that trying epoch in the history of the country he maintained his stand in an unwavering support of the Union.

His fame was such as to number him among the foremost members of the bar of southern Kentucky. He was a member of the Methodist church and by his conversation and life daily evinced his belief. He was noted for his unflinching integrity, for his bold support for what he deemed just and right, and few men in his section of the state wielded a greater influence. His name is closely interwoven with the history of Kentucky during the first half of the nineteenth century, and he is numbered among those who have made for the state its brilliant record in connection with jurisprudence.

Mr. Grider was twice married. His first wife was Rachel Covington, sister of General Elijah M. Covington, and after her death he married Miss Sallie C. Bryan. Their son, Benjamin C., became a distinguished member of the bar.

JOHN BENJAMIN GRIDER, of Bowling Green, was born in Somerville, Tennessee, on the 29th of March, 1850. His father, Benjamin H. Grider, was of German extraction and was connected with a family whose identification with Kentucky history dates from the early development of the state. Its representatives were numerous in southern Kentucky and to the legal profession furnished two of the most distinguished representatives,—Hon. Henry and Benjamin C. Grider, the former a member of congress for five terms. These gentlemen were respectively the grand-uncle and uncle of the subject of this review. Mr. Grider's mother, Catherine (Worrell) Grider, was a native of Somerville, Tennessee, and a representative of one of the old and honored families of North Carolina. Her father was a minister in the Baptist church. Her four brothers were killed while serving in the Confederate army, leaving her the only survivor of the family.

John B. Grider was educated in Cumberland University, of Lebanon, Tennessee, graduating in the literary department with the class of 1871. Inclined toward the profession of law, he prepared for practice in Russellville, and was admitted to the bar in 1873, after which he began practice in Bowling Green, as a partner of W. E. Settle. Later he formed a partnership with Henry T. Clark, and subsequently was associated in business with W. T. Cox. In January, 1886, he was elected city judge, serving six months, when he entered upon the duties of city attorney; but after an incumbency of two months he resigned to accept the office of county judge, to which he was elected in November, 1886. For seven years he presided over the county court, discharging his duties with the utmost fairness and impartiality. In March, 1894, he resigned his office as county judge to accept that of city attorney, which would allow him leisure to engage in private practice. In August of that year he formed a partner-

ship with McKenzie Moss, a lawyer of excellent education and talent, and the relationship has since been maintained. The firm enjoys a large and lucrative clientage, and the diversified character of their business brings into play an extended and comprehensive knowledge of law.

Judge Grider was married March 23, 1880, to Miss Alice Jenkins, daughter of Thomas Jenkins, a merchant, who was born in Warren county and belonged to one of the oldest and largest families of the state. They have two children, Gerard and Lucile.

Judge Grider is a Democrat in his political affiliations and stanchly advocates the principles as set forth by Hon. W. J. Bryan. He belongs to the Presbyterian church, and his upright life commends him to the confidence and good will of all. He is both a scholar and student; possessing a comprehensive knowledge of law, he is nevertheless constantly adding to his store of wisdom, and in the preparation of cases displays the most painstaking care, while with unremitting zeal he labors for the interests of his clients.

WILLIAM LEROY DULANEY, of Bowling Green, the son of Woodford and grandson of LeRoy Dulaney, was born in Illinois, his father having been an officer in the Black Hawk war, and married Eliza, the daughter of Colonel W. B. Archer, in that state. Soon after his birth his father came back to his plantation in Kentucky and here at an "old-field" school, taught by John C. Duke, and afterward at Center College, he obtained his education, graduating in the class of 1857. He read law under the guidance of Judge W. V. Loving, and was admitted to the bar in 1860, in the fall of which year he was married to Jane, the daughter of Samuel A. Barclay, Esq. In 1861, with his brother, Hiram W. Dulaney, he enlisted as a private soldier in the "Buckner Guides," but was soon transferred to General Morgan's command in Colonel R. J. Breckinridge's regiment and served as a private.

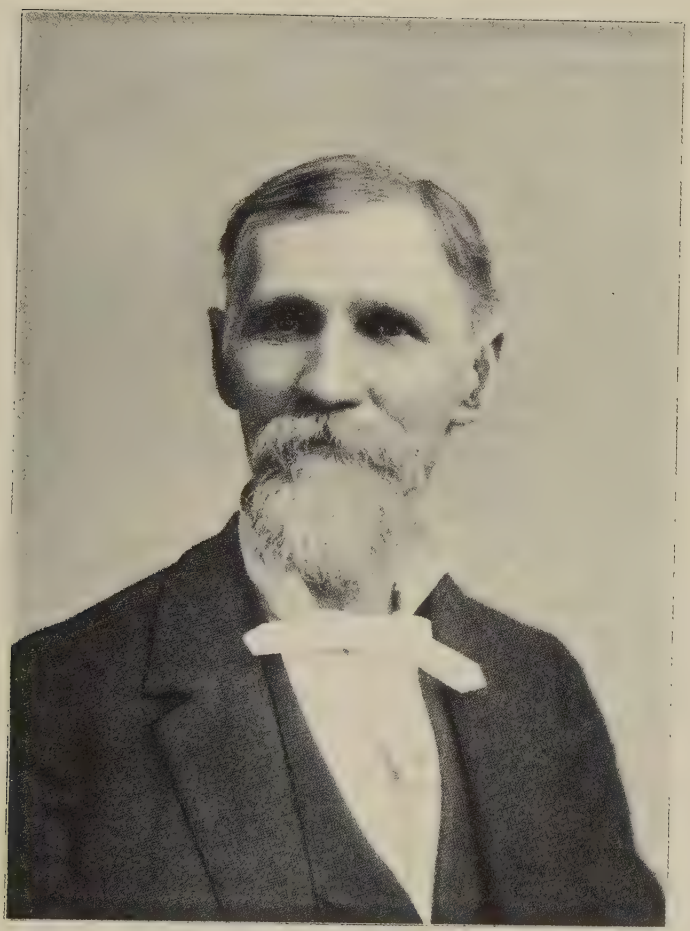
After the war Mr. Dulaney returned to Bowling Green and took up his profession. In 1869 he was elected judge of the common-pleas court and acted in that capacity for two terms. In 1880 he was elected judge of the circuit court and served one term of six years, declining a re-election. He has been a member of several national and state Democratic conventions, and was an ardent supporter of the Indianapolis platform and ticket of 1896.

He is fond of all outdoor sports, especially of fox-hunting, having a fine pack of hounds.

He is an Odd Fellow and Knight Templar and a member of the First Presbyterian church.

He has one son, Paul LeRoy Dulaney.

Judge Dulaney made the first ruling as to the admissibility of telephonic messages in evidence, and this was affirmed upon appeal and is now the settled law. He also decided that in justification in action of slander for charging a felony, a preponderance of evidence was decisive. A great many actions for damage against the railroads were brought before him during his three terms of service, and but one was reversed. This one was settled for a small sum before another trial. He is actively engaged in the practice at Bowling Green and takes great delight in horticultural and viticultural operations, having a fine vineyard upon the fruit farm, from which he has taken many



Wm. L. Dulaney.

premiums at the different fairs. He was president of the State Horticultural Society for a number of years.

BENJAMIN F. PROCTER, of Bowling Green, was born near South Union, in Logan county, Kentucky, November 26, 1849. His parents were Thomas L. S. and Agnes H. (Carson) Proctor. The grandfather, Benjamin Proctor, was of English descent. The male members of the family have been chiefly followers of the legal profession. The grandfather, a native of Virginia, came to Kentucky when a young man, locating near Winchester, whence he removed to Logan county, where he followed agricultural pursuits. He was a captain of militia, a prominent citizen of the county, and died in Logan county in 1853, at the age of seventy years. In the early part of the nineteenth century the Carson family was also established in Kentucky, the grandfather, Thomas Carson, securing a farm near Morgantown. He married a Miss Dinwiddie, of one of the oldest and most aristocratic families of Virginia. Their daughter, Agnes H., was born in Butler county, Kentucky. The Procter and Carson families were united through the marriage of Thomas L. S. Procter and Agnes Carson. The former was born near Winchester, Kentucky, and when nine years old removed with his father's family to Logan county, where he subsequently became a farmer and mill owner. He was a prominent and highly respected citizen, who for many years held membership in the Baptist church. His death occurred in 1881, when he had reached the age of seventy-three years. His wife died in Logan county, at the age of fifty-six years.

The early educational privileges which Benjamin Franklin Procter enjoyed were supplemented by a course of study in Bethel College, and after leaving school he took up the study of law, being admitted to the bar in 1873. In the same year he located in Bowling Green, where he has since engaged in practice. In 1874 he was elected corporation counsel for the city; was re-elected for two consecutive terms, and from 1884 to 1887 served as Warren circuit court commissioner. He has never held any other public office, and has asked none of the public or of his party, his extensive law practice leaving him no leisure for political duties. He is one of the most successful attorneys of the Bowling Green bar. Early in his professional career he began to make a specialty of corporation law. His knowledge of this branch of legal practice is so thorough and exact, so ready always at his command, that he is often sought by those requiring his peculiar talents. His practice in corporation law is as great as that of any attorney in southern Kentucky. His prosperity has enabled him to make many investments in real estate, and he now owns valuable property in Bowling Green. All has been acquired as the result of his own industry and application and is the just reward of his labors.

Mr. Procter and Miss Lila Pendleton, daughter of Rev. Dr. J. M. Pendleton, of Upland, Pennsylvania, were married in 1876. They are members of the Baptist church. Mr. Procter is one of the most courteous of men and a typical Kentuckian gentleman. His keen analytical powers amount almost to a genius for law. One of his distinguished confrères indicates this when he says of Mr. Procter, "he is essentially a natural lawyer." With a power for concentration, a capacity for details and a

comprehension of views, he unites a will for application that knows no diversion from its purpose and no hesitation before accomplishment. Of a modest, retiring and scholarly disposition, he has confined himself to the quieter sides of life, and devotion to his chosen profession. A man in the prime of life, of stainless character and gentlemanly tastes, he has been an honor to his profession and a stimulus to the best citizenship among all who come closest to him.

JOHN M. PORTER was born in Butler county, Kentucky, September 14, 1839, and died in Bowling Green, in 1884. He descended from Scotch-Irish ancestors who in the early part of the eighteenth century located in Virginia. Love of liberty and hatred of oppression were manifest in the four brothers of Francis Porter, the grandfather, by their enlistment in the colonial army, during the war which won for the country her independence. Rev. N. and Sarah (Helm) Porter, the parents of John M., lived on a farm in Butler county, and there the latter spent his early youth undergoing a system of physical and mental training, the former received through work in the fields, the latter obtained under the direction of his father, who was a Presbyterian minister, and superintended his son's primary education. When about fifteen years of age he was placed in school in Oak Grove, Simpson county, Kentucky, where he studied for four years and became very proficient in Latin, French and mathematics. Through the following year he was employed as a tutor in that institution, and in 1859 he was a teacher in a private school in Butler county.

In 1860 Mr. Porter became a student in the law department of Cumberland University, in Lebanon, Tennessee, but in 1861 put aside all personal ambition and desire to enter the service of the Confederacy. He joined the army at Bowling Green, enlisting as a private, later became a lieutenant in General John H. Morgan's command, and was captured on the Ohio raid, being confined for twenty-two months, as a prisoner of war, at Johnson's island, in Lake Erie. Only a short time before the cessation of hostilities he was discharged.

Returning to his native state, Mr. Porter engaged in teaching school in Hart county in 1866, 1867 and 1868, and began to practice law in 1869 in Morgantown, Kentucky. Two years later he removed to Bowling Green. He was elected commonwealth's attorney and filled the office with great ability. On his death, in 1884, his brother, Nat A. Porter, succeeded him. His fine mind, sound judgment, keen discernment and ability, united to an untiring energy and devotion to his clients' interests, made him a valuable attorney and counselor. He was accounted one of the ablest and most logical advocates in the state. His grasp of facts was broad and comprehensive, his reasoning was clear, his presentation of his points was concise and forcible and his arguments were a series of logical deductions largely undisputable. He believed most firmly in the doctrines and principles promulgated by the Democratic party and was zealous for its success.

Mr. Porter was an esteemed member of the Masonic and Odd Fellows orders. His home life was a happy one, but his wife was spared to him for only two years. He was married in 1866 to Miss Bell Burch, of Hart county, Kentucky, who died in 1868, leaving a daughter, Minnie Bell, then less than

a year old. She was married in 1886 to Harry Jefferson, of Louisville, where she now resides with her husband and two children, Elizabeth and John Porter Jefferson, aged respectively seven and four years.

NAT A. PORTER, commonwealth's attorney for the eighth judicial district of Kentucky, and one of the prominent lawyers of Bowling Green, was born November 11, 1853, in Butler county, Kentucky, and is a brother of John M. Porter. Through his boyhood Nat A. Porter spent the winter months in the common schools of the neighborhood, but with the advent of spring he laid aside his text-books to aid in the cultivation of the home farm. He also assisted his father in the conduct of a little country store. Such was the training of his early youth. When he was about eighteen years of age his father and mother both died. Soon afterward he became a student in the Auburn high school, in Logan county, and was the first graduate of the school, completing the course in 1876. In the following autumn he became a teacher, and at the beginning of the scholastic year of 1877 he accepted a position as teacher in the public schools of Auburn.

Desiring a broader field of labor than seemed offered by that profession, Mr. Porter, in the spring of 1878, began the study of law in Cumberland University, in Lebanon, Tennessee, where he was graduated as valedictorian of the class of 1879. He then began the practice of law with his brother, John M. Porter, of Bowling Green, a connection that was continued until the latter's death, in 1884. John M. Porter was at the time serving as commonwealth attorney, and in the following August his brother was elected without opposition to fill out the unexpired term. At the next regular election, in 1886, he was again elected without opposition for the full term of six years commonwealth's attorney for the fifth judicial district, composed of the counties of Logan, Todd, Simpson, Butler and Warren, and when the new eighth district was formed, comprising Allen, Butler, Edmonson and Warren counties, he was once more elected without opposition to the same position in the new district. No higher testimonial could be tendered him than the support which he receives from all parties. It is the expression of the highest regard and most unqualified confidence on the part of the profession and the public, and at once indicates his superior ability and his unswerving fidelity to duty. He has been a stanch Democrat since attaining his majority and is deeply interested in the growth and success of his party.

Mr. Porter is a fine public speaker, a fearless, astute and able prosecutor. His experience of thirteen years as commonwealth's attorney in the trial of many difficult law cases and the brilliant record of results attained leave room for no question of his ability. He deserves and is given classification with the chief lawyers of his section of Kentucky, and is recognized as a citizen who has the general welfare at heart.

NERGE CLARK, the junior member of the firm of Clark & Clark, attorneys-at-law of Bowling Green, was born in Morgantown, Butler county, Kentucky, January 15, 1864, and is a son of Henry Thomas and Sallie (Tyler) Clark. The father was a son of David and Martha (Owsley) Clark, and the latter was the daughter of T. T. and

Chloe Owsley, who resided near Crab Orchard, Kentucky. Mrs. Chloe Owsley was a sister of Governor William Owsley, governor of Kentucky. Mrs. Clark was the daughter of James and Paulina Tyler, and a granddaughter of Robert and Sallie (Shelton) Figg, of Hanover county, Virginia.

Nerge Clark attended the "free schools" of Bowling Green, Kentucky, until thirteen years of age, and then entered Ogden College, of that place, where he continued his studies for some time. Wealth cannot purchase nor birth secure exemption from that struggle which alone can give intellectual prowess, and the sturdy farmer boy and the son of the merchant or millionaire meet on common ground, with equal chances of winning the highest honors. Mr. Clark made good use of his opportunities and is to-day a man of broad general information. For one year he engaged in teaching in the common schools of Warren county, and when eighteen years of age matriculated in Cumberland University, of Lebanon, Tennessee, where he studied civil engineering and was graduated in June, 1884, with the degree of C. E. The following year he took up the study of law in the University of Virginia under Professor John B. Minor, and was admitted to the bar in Bowling Green in January, 1887. Soon afterward he entered into partnership with his father under the firm name of Clark & Clark and the business relation is still continued. He is one of the younger members of the bar, but his abilities, natural and acquired, have already won for him high standing in the profession, and the future doubtless holds in store for him success.

Mr. Clark has ever exercised his right of franchise in support of the men and measures of the Democracy, and on that ticket was elected to the general assembly of Kentucky, in November, 1893, and re-elected in November, 1895, for a two-years term, being, therefore, the present representative from his district. From 1882 until 1891 he was an active member of the Kentucky State Guard, and in 1887 was appointed by Governor Buckner assistant adjutant-general of Kentucky, with the rank of major, serving in that capacity for four years. Socially he is connected with the Knights of Pythias, and the Benevolent Protective Order of Elks. His intellectual energy, professional integrity and reliability in all life's relations combine to make him one of the leading citizens of Bowling Green.

CHARLES MOREHEAD THOMAS, belonging to one of the old and prominent families of the state, was born in Bowling Green, Kentucky, August 23, 1847, and died in Chicago on the 29th of August, 1895, in the forty-eighth year of of his age. His father, Hon. H. K. Thomas, was an agriculturist, his home being situated on one of the roads leading from Bowling Green, four miles from the city. He was a prominent factor in public affairs, twice represented his district in the state legislature and was later elected judge of Warren county. He married Elvira Morehead, sister of Hon. Charles S. Morehead, governor of Kentucky in *ante-bellum* days and one of the most ardent advocates of the Confederacy during the Civil war. His pronounced championship led to his arrest by the federal authorities and he was incarcerated in Fortress Monroe.

Judge Thomas obtained his elementary education in the country schools and later attended private schools in Bowling Green

C. M. Thomas

until after the beginning of the Civil war, when the unsettled condition of affairs in the south led to the suspension of these schools. He was so zealous and earnest in his sympathy for the Confederacy that among his schoolmates he bore the sobriquet of "South Carolina." In 1862, very much against the wishes of his parents,—for he was then but fifteen years of age,—he joined the troops under John Morgan and remained in the service until the close of the war. He was an intrepid, brave and gallant soldier-boy and participated in a number of hotly contested battles under the leadership of that daring general.

After his return home Judge Thomas again entered school as a student in Cecilian College, near Elizabethtown, where he remained fifteen months. In the spring of 1868 he engaged in the drug business, in connection with his brother, carrying on a store in Bowling Green for three years, when he retired and took up the study of law, a course which he had contemplated for some time. For six months he continued his reading under the direction of his brother-in-law, James D. Hines, and then successfully passed an examination and was licensed to practice in the courts of the state. He was honored by his fellow townsmen with a number of public offices, serving as city collector, assessor, city judge for two terms and as city attorney. He was holding the latter office when appointed by President Cleveland, in July, 1886, to the position of associate justice of the territory of Dakota. He acceptably and faithfully served in that capacity until the division of the territory and its admission to the Union, when he was elected circuit judge of the seventh district of South Dakota. The Republicans in that section of the state outnumbered the Democrats two to one, but his great personal popularity and his well-known capability won him the election by an overwhelming majority. He served on the bench until about 1894 and was regarded as one of the most able and just judges of the entire northwest. He was the nominee of his party for congress, but did not accept the nomination, being on the bench. After his retirement from the bench he did not attempt to practice law, his health being poor, and continued to decline until his death, August 29, 1895. He tried both schools of medicine as well as a change of climate, but everything without avail, expiring with the hope of a Christian.

On the 12th of November, 1868, Judge Thomas was united in marriage to Miss Mary Buman, who survives him and is now living in Bowling Green. She is the daughter of Judge John and Sallie (Hines) Buman. Her father twice represented his district in the general assembly of Kentucky, was city judge, and at the time of the retreat of the Confederate army from Kentucky to Tennessee, was treasurer of the provincial government and went with the army as far as Corinth, Mississippi, in that capacity, Judge and Mrs. Thomas had one daughter, Clyde, who was married June 27, 1894, to Stuart A. Fox, of Deadwood, South Dakota.

The judge was for a short time a member of the Independent Order of Odd Fellows, and in 1866 became a member of the Baptist church, with which he was connected until his death. Of a social, genial disposition, true as steel to his friends, kindly and affectionate in his nature, he drew around him a large circle of friends, and he had the happy faculty of holding them closer to his heart as the years passed

by. The character of the man is well shown in the editorial of one of the South Dakota papers, which said: "He came to us from Kentucky as an active representative of the 'lost cause,' having served as a soldier in the Confederate army. There was in those days a stronger northern prejudice against this class than now, but Judge Thomas' presence quickly dissipated all feeling of this character. He was a gentleman socially, and an official of the highest integrity and ability. So we of Dakota learned from companionship to respect and revere him, and his continuous residence in our midst has cemented the bond. The citizens of his adopted state bow in the presence of death in sincere grief and hold in tender recollection the memory of the man who conquered by the true nobility of his character."

Judge Thomas died in Chicago, where he had gone for medical treatment; his remains were then brought back to Bowling Green to lie by the side of his fathers. The friends of his boyhood, the acquaintances of his later manhood, all held him in the highest esteem, and Kentucky mourned the loss of one of her most worthy sons.

BERIAH MAGOFFIN, governor of Kentucky, was born in Harrodsburg, Mercer county, on the 18th of April, 1815. He was graduated at Center College, of Danville, in 1835, studied law under the direction of his brother-in-law, Charles M. Cunningham, and in the law department of Transylvania University, where he was graduated, entering upon the practice in Jackson, Mississippi, in 1838. He was elected reading clerk for the state senate of Mississippi in the winter of 1838–9. Returning to Kentucky, he located in Harrodsburg and was soon in command of an extensive and lucrative business.

He was appointed judge by Governor Letcher, being one of the few Democrats ever favored with an appointment by a Whig administration. In 1844, 1848, 1852 and 1856 he was the Democratic candidate for presidential elector, either for his district or the state at large; was elected in 1856, casting his vote for Buchanan and Breckinridge. In 1850 he was elected to the state senate without opposition, was chairman of the committee on the court of appeals, and was author of the bill regulating the present school system of the state; in 1851 he was offered the nomination for congress, but declined; in 1855 was a candidate for lieutenant-governor; and in 1859 was elected governor of Kentucky by a majority of eight thousand, nine hundred and four over the Whig candidate, Hon. Joshua F. Bell. He served as chief executive of the state through a portion of the most eventful and exciting period of its history, until, finding his views and acts at utter variance with the dominant party in the legislature, he resigned, August 18, 1862, and returned to his home in Mercer county. He was instrumental in establishing the institution for feeble-minded near Frankfort and took the deepest interest in its success. He was at no time a secessionist. He made some bold and able efforts to avert the war and lay the foundation for a permanent peace between the sections, but failing in this he favored armed neutrality for the state and issued his proclamation to that effect. He was a delegate to the Democratic national convention in Cincinnati, in 1856, to Charleston and Baltimore in 1860, and to Baltimore in 1872. In 1867 he was elected to the legis-

lature from Mercer county, without opposition. In the light of the events that followed and the history of the war of which his state was the theater for many months, it may be interesting to the student to examine the records of the legislature and state papers pertaining to this period, and for those of a speculative turn of mind to think out what might have been had Kentucky, under other leadership, have taken a bold stand for either the north or the south in the struggle of 1861–5.

THOMAS E. BRAMLETTE, governor of Kentucky, was born in Cumberland county, January 3, 1817. Having obtained a good English education he studied law and was admitted to the bar in 1837. In 1841 he was elected to the legislature, in 1849 he was appointed commonwealth's attorney, serving two years, and in 1852 removed to Columbia, Kentucky, where he practiced law until elected judge of the sixth judicial district.

When the country became involved in civil war he espoused the Union cause, receiving a colonel's commission, and raised the Third Kentucky Regiment of Infantry, entering the field at its head; but he resigned to become United States district attorney for Kentucky, to which office he was appointed February 27, 1863, by President Lincoln, and removed to Louisville. During his term of office the government tried and convicted Thomas C. Shackelford for treason, that being the only case of the kind recorded in the history of the country. In 1863 he was commissioned major-general and while organizing his division was nominated as the Union candidate for governor of Kentucky, which was followed by his election in August, by a large majority. During his service he was offered a seat in congress, but declined to become a candidate. In 1864 the convention in Louisville instructed their delegates to vote for McClellan and Bramlette as their candidates for president and vice-president, but he again declined to allow his name to be used. On his retirement from office he resumed the practice of law in Louisville. He was a warm advocate of the State Normal School and deeply interested in all that pertained to the progress and upbuilding of the state.

He was married in September, 1837, to Sallie Travis, and after her death wedded Mrs. Mary E. Adams, June 3, 1874. He died in his Louisville home, January 12, 1875.

JOHN ADAIR, governor and United States senator, was born in South Carolina in 1757. His character was formed in the trying times and amidst the thrilling scenes of the Revolution. At an early age he entered the army as a volunteer, and was made prisoner by the British. In 1786 he emigrated to Kentucky, and was an active and efficient officer in the border war which raged with so much fury on the northwestern frontier. In 1792, at the head of a body of mounted volunteers from Kentucky, he fought a desperate battle with the Indians in Preble county, Ohio, and with wonderful military tact and skill managed his forces so as to secure a victory with a minimum loss of his own troops. In the campaign of 1813 he accompanied Governor Shelby as an aide, and was present in that capacity at the battle of the Thames. His conduct during this campaign was such as to draw from his superior officers an expression of their approbation, and his name was honorably

mentioned in the report to the war department. Governor Isaac Shelby afterward conferred upon him the appointment of adjutant-general of the Kentucky troops, with the brevet rank of brigadier-general, in which character he commanded the Kentuckians in the battle of New Orleans. He was often a member of the state legislature and was speaker of the house in 1802–3. In 1806 he was elected to the senate of the United States, serving one year; was governor from 1820 to 1824, and was elected to congress, and served for two years 1831–2. Governor Adair was a brave soldier, an active, vigilant and efficient officer, a politician of sound principles and broad views, and an ardent patriot. He died May 19, 1840, at the age of eighty-three years.

JOHN BREATHITT, governor of Kentucky, was born near New London, Virginia, on the 9th of September, 1786. In 1800 his father removed to Logan county, and John acquired a fair education there. He became proficient in surveying and served as deputy in surveying lands in Illinois during the territorial days. Subsequently he engaged in teaching school, but preferring a broader field he studied law under the direction of Judge Caleb Wallace, and was admitted to the bar in 1810. His thorough understanding of the principles of law and his aptness in applying them to the points in controversy, combined with his honorable business methods, made him successful.

In 1811 he was elected to represent Logan county in the general assembly and was several times re-elected. In 1828 he was elected lieutenant-governor, filling the position with distinguished ability for four years; and in 1832 was elected governor, but died before the expiration of his term, at the governor's residence in Frankfort, February 21, 1834. In politics he was a Democrat and stood in great favor with his party; his public career was irreproachable. He was a man of high character, always commanded the confidence and respect of those with whom he was associated. He left the impress of his strong individuality upon the legislation of the state.

SUMNER MARBLE was born near Northampton, Hampshire county, Massachusetts, January 20, 1816, and died in Princeton, Kentucky, on the 28th of May, 1881. He belonged to one of the oldest families in the Bay state, his ancestors locating in the Massachusetts colony at a period long antedating the Revolution.

Mr. Marble was engaged in school-teaching in New Jersey and in 1837 came to Kentucky, where he followed the same profession near New Castle. Later he began reading law and was admitted to the bar at New Castle, after which he removed to Salem, then the county seat of Livingston county, where he remained until the organization of Crittenden county, when he opened an office in the newly established seat of justice there,—Marion. He became the first county attorney of the new county, and his name is inseparably connected with the history of early jurisprudence in that locality. In 1849 he was elected to represent his county in the state legislature. He never sought office, but his abilities were recognized by his fellow townsmen and by them he was elected to office, where he served with the utmost fidelity to the trust

reposed in him. In 1852 he removed to Princeton, the county seat of Caldwell county, and was a valued member of the bar at that point until 1858, when he changed his place of residence to Chicago. There he was engaged in the prosecution of his chosen profession until August, 1863, and was regarded as one of the ablest members of the bar of that city; and there he was an intimate friend of Henry H. Honore, Judge Tuley, now one of the most celebrated jurists of that city, and Judge Frank Adams, who was a frequent visitor in his office. In Chicago he was also an authority on all matters pertaining to the legal questions arising in street assessment and special taxation cases. He was recalled to Paducah to protect the interests of an old client, Mr. Findlay, in a case involving the disposal of one hundred thousand dollars. He soon regained a large and important clientage, and, though known as a general practitioner, his business was mostly in civil cases, and came from a territory embraced within Lyon, Caldwell, Livingston and Crittenden counties. He also practiced in the court of appeals and in the United States courts, where he met some of the most brilliant and formidable members of the Kentucky bar, and in forensic combat often won the victor's laurels. His contemporaries were George W. Barbour, afterward governor of Utah; Livingston Lindsay, who removed to Texas and became judge of the supreme court of that state; Robert Patterson, a brilliant lawyer, who served both in the house and senate of the state legislature; Rezin H. Davidge, of the "new court of appeals;" Captain C. T. Allen, who was a member of the constitutional convention of Kentucky in 1890, and is now in Mexico, Missouri.

In 1875 Mr. Marble was elected to the state senate from his district, comprising four counties, and served for a term of four years. He was on the committee on revision of the code of practice and there made some radical changes, leaving the impress of his talent and individuality upon the legislation of the state. He introduced into the senate a bill providing for the reception of the evidence of persons accused of crime on their own behalf, and spoke strongly in favor of the measure, which, although not adopted at the time, has since become one of the laws of the state. His political support was given the Whig party in early life and in 1860 he supported Bell for the presidency. He believed in the constitutional rights of the state to secede, and after the war he affiliated with the Democracy up to the time of his death. He held membership with no religious denomination, but was a firm believer in the truths of Christianity, and his life was an exemplification of all the underlying principles thereof. He was thoroughly versed in the science of jurisprudence, and in the court-room had that ease and freedom from anxiety which betokened thorough preparation and mastery of his cause in every detail.

Mr. Marble was married at "Old Salem" in 1844 to Miss Eliza Jane Watts, daughter of William Watts, who died during her infancy. She was reared in the home of David Watts, a man of large fortune and wide mercantile experience, a member of the well-known firm of Watts, Givens & Company, and afterward of Watts, Crane & Company of Paducah, and New York, handling tobacco and cotton as brokers and factors. Mrs. Marble died April 5, 1865, leaving one son, William Marble, who was for some years his father's partner in the law business.

WILLIAM MARBLE was born in Marion, Crittenden county, Kentucky, September 8, 1848. During his early childhood he accompanied his parents to Chicago and attended its public schools from 1858 to 1864. He was also instructed by Mr. Ballentine, a private tutor. He read law in the office of his father from October, 1865, until May, 1868, at which time he obtained a license to practice, having secured by special act of the legislature permission to be examined for the bar, as he was not then twenty years of age. Upon his admission he entered into partnership with his father, a relation which was maintained up to the time of the latter's death. He has since been alone and engaged in both civil and criminal law practice. When only twenty-one years of age he served as city judge, and for eight years he has filled the office of county attorney. He appears in most of the important cases in the county and in many of those of the fourth judicial circuit.

On the 18th of February, 1885, Mr. Marble was married to Miss Anna Henry, a daughter of C. B. and Angeline (Peters) Henry. Her mother was descended from one of the old Pennsylvania families of Quaker stock and was a sister of B. J. Peters, chief justice, for many years on the bench of the court of appeals of Kentucky. Mr. Marble is a Democrat, but takes no very active part in political affairs.

FRANKLIN WYATT DARBY, of Princeton, was born in Caldwell, now Lyon, county, Kentucky, in October, 1837, and died in Princeton, this state, on the 31st of December, 1894. He was for many years a leading lawyer of Kentucky, and his support of church, educational and other interests calculated to benefit the commonwealth made him a valued citizen. He was a representative of one of the old families of the south and was descended from Irish ancestry who came to America about 1670 and located in Pennsylvania. One branch of this family removed to North Carolina, and the father of the subject of this review, George F. Darby, was born in Caswell county, of the latter state, in 1804. By occupation he was a farmer.

Representatives of this family have been prominent in state and national legislation and have adorned the legal profession with their superior talent for the law. Patrick H. Darby, an uncle of Franklin Wyatt Darby, was a most capable lawyer and editor of Kentucky in an earlier day, and for some years maintained his residence in Frankfort. He became an important factor in the differences which arose concerning the "old and new court contest," and was accused of instigating the murder of Solomon P. Sharp, the speaker of the house of representatives and a prominent "new court advocate." Mr. Darby wrote numerous articles in defense of his party and of himself. The murder of Mr. Sharp is one of the historic fatalities of the state and the charge of implication in the matter made against Mr. Darby and his contest over it embittered the last years of his life. He was one of the ablest writers and speakers that the state has known and would defend the principles in which he believed at whatever cost to himself. He was especially celebrated as a land lawyer. Another member of this family, John F. Darby, was a leading lawyer and banker of St. Louis, served his city as mayor and represented his district in congress. The mother of F. W. Darby was in her maidenhood Mary Wyatt,

F. W. Darby

a daughter of Zadock Wyatt, one of the first settlers of Caldwell county, Kentucky, and the owner of one of the largest and finest estates in that section of the country.

Franklin Wyatt Darby was educated in Cumberland College, of Princeton, Kentucky, and studied law under the tutorage of E. P. Campbell, of that place. In 1862 he was admitted to the bar, and at once entered upon practice. In 1866 he was elected county judge, serving one term, and in 1870, when the Elizabethtown & Paducah Railroad was built, he was appointed one of the sinking fund commissioners for Caldwell county, discharging the duties of the position up to the time of his death. In 1882 he was appointed treasurer of the board, and his wise and careful management of the county debt and its funding saved to the county a vast amount of money and litigation. Mr. Darby also served for two terms in the state senate, was a member of the city council of Princeton and served as treasurer there for twenty years. He was urged by his friends to become a candidate for the office left vacant by the death of Judge Bennett; but such was his warm friendship for Judge Grace, whom he had known for many years, and who desired the office, that he would not become a candidate for the nomination. With him friendship was inviolable, and the faithful fulfillment of a trust a most sacred duty. In connection with his law practice he was interested in banking and was the vice-president of the First National Bank of Princeton.

Mr. Darby belonged to the Masonic fraternity, and in politics was a Democrat. He served as chairman of the Democratic county committee for a number of years and took an active interest in the work of his party and in promoting good government. He was deeply interested in educational work, having a full conception of its place in all that elevates mankind, and accordingly he contributed liberally to school and church work. He won the respect and confidence of all with whom he came in contact and well deserves enrollment among the honored lawyers of the state.

JAMES GARNETT, who for forty years has been an honored member of the bar of Columbia, Kentucky, was born in Adair county, on the 8th of July, 1834. From an ancestry honorable and distinguished he traces his lineage. In colonial days the family was founded in Virginia by English immigrants, and Anthony Garnett, a granduncle of our subject, served as captain in the patriot army during the war of the Revolution. The grandfather, Oliver Garnett, removed from the Old Dominion to Kentucky in 1818, taking up his residence in Cumberland county, where his remaining days were passed. In 1824 Anthony Garnett, father of our subject, settled in Adair county and for many years was one of the leading agriculturists of that section. He was a native of Culpeper county, Virginia, and wedded Mary A. P. Hayden, also born in that state and a representative of one of the old families of Scotch origin. The Garnett family has furnished to the legal profession several prominent representatives. Richard T. Garnett, a brother of our subject, for eight years served as county judge of Adair county; and his brother, Robert Garnett, who graduated in the law department of the University of Louisville, was a partner of James Garnett, of this review, from 1869 until 1873, when the relation was

severed by the death of the junior member of the firm.

The life and work of a farm were familiar to James Garnett during his boyhood. His father died when he was only eleven years of age, and he assisted his mother in the care and cultivation of the homestead until he attained his majority. During that time he laid the foundation for his professional knowledge by acquiring a good English education in the country schools of the neighborhood and the more advanced schools in Columbia. At the age of eighteen he received the appointment of deputy clerk of the county and circuit courts of Adair county, which position he held for two years, when, in 1855, he began the study of law. His reading was pursued under the direction of Thomas E. Bramlette and Timoleon Cravens, then partners in the practice of law in Columbia and men of eminent ability, the former afterward serving as governor of Kentucky. In the fall of 1856 Mr. Garnett was admitted to the bar, and in January, 1857, began practice in Columbia, where he has since remained. The high character of the legal business with which he has been connected at once indicates his ability and points to his success. From the time of his earliest connection with the Adair county bar he has been retained as counsel either for the prosecution or defense in every case of prominence that has been heard in the courts of this district. He watches the interests of his clients with unremitting zeal, prepares his cases with the most earnest care, and in the presentation of his cause shows a thorough mastery of the subject and the law applicable to the litigated questions.

At the age of twenty-one Judge Garnett was elected school commissioner, and this was but the foreshadowing of future honors which his fellow citizens would confer upon him in recognition of his ability, his fidelity and deep interest in the welfare and progress of his city and state. He was elected and served as county attorney for one term, and in 1874, by popular vote, was chosen judge of the sixth judicial district. He brought to the bench a ripe scholarship, thorough knowledge of the principles of law in all its various departments, and soon took rank among the leading jurists in this section of the state. In 1871 he was elected to the legislature, serving in the regular session and the adjourned session of 1873. He was a member of the committees on judiciary and revision of statutes, and his knowledge of constitutional law made him an influential and valued member of the same. During his term in the lower house he was the colleague of many Kentuckians who have since become eminent, including J. B. McCreary, J. C. S. Blackburn, Willis Reeves, Cassius M. Clay, Jr., Walter Evans, George M. Thomas, W. C. Goodloe and others. In 1881 Mr. Garnett was elected to the Kentucky senate, was a member of the committee on railroads, and during the session of 1883–4 was chairman of the judiciary committee.

Judge Garnett has found both a pleasant and profitable diversion from his professional and official duties in his service as vice-president or president of the Bank of Columbia. To the former position he was elected in 1892 and to the latter in 1895. He is a Democrat of the Jeffersonian school, a member of the Masonic fraternity and also holds membership in the Baptist church.

In August, 1866, Judge Garnett married Miss Mary Wood, daughter of Buford Wood, a farmer of Metcalfe county and a represent-

ative of one of Kentucky's pioneer families that has furnished to the state several illustrious sons. Mr. and Mrs. Garnett have four children, three daughters and one son. James Garnett, Jr., born November 15, 1871, was graduated in the law department of the University of Louisville, and is now associated with his father in the practice. He was married December 10, 1895, to Miss Lena Vardeman, of Bardstown, Nelson county, Kentucky. Judge Garnett is not only one of the senior characters at the bar of southern Kentucky, but is also one of the most prominent. Some others may have been more conspicuous for certain talents which go to make up the popular lawyer and orator, but in patient industry, sound judgment and clear conception of the spirit and scope of jurisprudence Judge Garnett has no superior.

JAMES R. HINDMAN, lieutenant-governor of Kentucky from 1883 to 1887, of Columbia, was born in Adair county, Kentucky, February 4, 1839, a son of Alexander and Margaret A. (Walker) Hindman, the former a native of Virginia, the latter of Adair county. The father emigrated from Virginia to Kentucky about 1803. James R. Hindman acquired his education in the schools of Adair county. In September, 1861, he offered his services to the United States government as one of the defenders of the Union, became second lieutenant of the Thirteenth Kentucky Infantry, was promoted to the rank of captain and served with the Army of the Ohio and the Army of the Cumberland. In 1864 he was made chief of ordnance of the Second Division, Twenty-third Army Corps of the Army of the Ohio, under Major-General J. W. Schofield, and continued in the service until the winter of 1865, when he was honorably discharged.

Mr. Hindman was admitted to the bar and entered in the practice in 1865. He has been especially prominent in the trial of criminal cases, acquired an excellent reputation for careful preparation and was known as a most able examiner of witnesses and jury lawyer. He also successfully handled some prominent civil cases, was one of the counsel in the celebrated will case of Clinton Miller, involving an estate of one hundred thousand dollars.

In 1865 Mr. Hindman was elected to the lower house of the legislature and was active in aiding in the repeal of all war legislation and in restoring equal rights and fraternity to all citizens. By re-election he served continuously until 1871, and was again elected in 1879 for a two-years term. In 1883 he was elected lieutenant-governor of the state, serving until 1887, and, by virtue of his office, presiding over the senate. He was also the nominee of his party for congress, but was defeated. He has always been a stanch Democrat and was presiding officer at Louisville of the "National Democratic Party," in August, 1896. As a logical thinker and forceful speaker he has a reputation which extends beyond the courts and has delivered many telling political addresses in recent years. A strong advocate of "sound money," he canvassed the state for Palmer and Buckner in 1896, together with Colonel W. C. P. Breckinridge and the Hon. William Lindsay.

Almost any man of capacity and education can score a success in a specialty, but few men attain eminence in more than one way; and seldom has history furnished examples of those who are successful lawyers, statesmen and agriculturists. There are

men, however, of such broad minds, wide information and wonderful tact, that by husbanding their forces and planning their various enterprises with something like military precision, they are enabled to accomplish splendid results in several walks of life. Such has been the case with Mr. Hindman, who has not only shown himself capable of handling affairs of state, of controlling extensive legal interests, but has also superintended the management of a fine farm and engaged in various enterprises. For the past ten years he has largely devoted his energies to his real-estate interests, and spent a part of each year in Dallas, Texas, where he has large investments.

Mr. Hindman is a member of the Masonic fraternity, and is deeply interested in educational and social reforms and in public enterprises of a practical character. A prominent member of the Methodist church, south, he has been twice a delegate to its general conferences, attending the session in St. Louis, Missouri, and in Richmond, Virginia. He has been twice married. He wedded Irmine M. Young, of Barren county, Kentucky, who died in 1881, leaving one son, Robert, now a student in Center College, of Danville, and in December, 1883, Mrs. Fanny M. Raney, *nee* Crowdus, a native of Simpson county.

Mr. Hindman is of strikingly erect and attractive bearing, affable and courteous in his intercourse, and universally popular.

DAVID T. TOWLES, of Greensburg, is the oldest living member of the bar at that place. In the early history of the state this town took root on Kentucky soil, there being but two corporate towns whose history antedates that of Greensburg. The place was formally laid out in 1802, and standing to-day is the old court-house which was erected in the beginning of the present century, a two-story stone structure, entirely devoid of architectural adornment. It stands in the center of the town in what is known as "the square." What a tale this old building might unfold, if it could but tell the story of all that has happened within its venerable walls—a story of pathos and humor; of tragedy and comedy; of trials where every earthly interest of the contestants was staked upon the verdict, one side to feel the bitterest pangs of defeat, the other to enjoy the full fruits of victory. The sun shone down through the small-paned windows upon men whose names have been echoed throughout the land as honored representatives of the legal profession. Here such men as Ben Hardin, J. C. Underwood, John Boyle, George Robertson and Solomon P. Sharp thrilled their hearers by an eloquence irresistible, and the resident members of the bar included in their ranks such renowned personages as Aaron Harding, member of congress; Richard A. Buckner, of the Kentucky court of appeals; Aylett Buckner, member of congress; General W. T. Ward, one of the most noted orators of Kentucky, who gave up his life on the battle-field of Buena Vista; George W. Towles, General Samuel A. Spencer and Drury Hudson. In the rear of the court-house and separated from it only by the width of the street is another building of equal antiquity. It was occupied as a dwelling, but a large front room was utilized for banking purposes until the Civil war, since which time it has remained bolted and barred, a mute reminder of the activity once within its walls. The rest of the house,

however, is still in use as it was in the olden days when President Andrew Jackson was thrice entertained there. Greensburg was at that time an important place on the highway from Tennessee to the national capital, but now it is a quiet little hamlet in the mountains of Kentucky, cherishing the memory of its past grandeur in the quiet life of to-day.

David T. Towles figured conspicuously at the bar and in public affairs when its business was of much greater volume than at present, and comes of a family of long and honorable identification with its history. His father, George W. Towles, was born in Culpeper county, Virginia, in 1793, a son of Joseph and Martha (Weatherall) Towles, of the same state. He married and came with his father to Kentucky in 1822, locating in Green county. He acquired his common-school and legal education in Virginia, and was admitted to the bar in this state in 1830, beginning practice in Green county, where he soon secured a liberal clientage. His political support was given the Democracy and he was twice elected a member of the legislature. He held a membership in the Baptist church, and was an earnest, consistent Christian. His wife was Fannie Mason, a daughter of Enoch Mason, of Culpeper county, Virginia, of the distinguished Virginian family of that name, one of whom was James M. Mason, United States senator. Mrs. Towles was born in Virginia in 1800, was a woman of remarkable strength of intellect, and was known as a very devout member of the Baptist church. She died in 1863 and lies buried beside her husband in Summersville, Kentucky.

David T. Towles is the only living representative of their twelve children. He was born in Green county, June 6, 1830, and was educated in the common schools, with one year's additional study in Saint Mary's College, of Marion county, Kentucky. For five years he was engaged in teaching in the public schools of his native county, and while thus employed also pursued the study of law. In 1853 he was admitted to the bar and has since been engaged in active practice. He has made a specialty of criminal law, and since 1865 has been engaged in defense in every murder trial that has been heard in Green county. The fact that he has been retained as counsel for the defense in every murder case through almost a third of a century is unquestioned evidence of his superior ability and success in handling such cases.

Mr. Towles has frequently been called to public office. Being elected in 1856 as assessor of the county, he served for four years. In 1862 he was elected clerk of the county court, holding that office for twelve years, and for eight years was on the bench as county judge. He is now master-commissioner of the circuit by appointment of Judge Charles Patteson, and in the discharge of his duties displays an ability and integrity that are above question.

In the hours of his country's peril he has also been found as a faithful citizen, and has twice defended his country against the attack of its opponents. He served in the Mexican war, participating in the famous and hotly contested battle of Buena Vista, and for seven months was captain of Company C, Thirteenth Kentucky Infantry, United States Volunteers, in the late war; but ill health compelled him to resign his commission. He is a typical representative of the best type of Kentucky's sons, a man whose public career and private life are alike above reproach and whose genuine

worth commands the esteem of all with whom he has been brought in contact.

In 1851 Mr. Towles was united in marriage to Miss Martha A. Montgomery, daughter of David and Tabitha (Holland) Montgomery, both of Green county. The Judge and his wife had eight children, only three of whom are living: George W. Towles, a lawyer of Greensburg; Montgomery Towles, a farmer of Green county; and Lena, widow of Luther L. Foster, a lawyer of great promise.

George W. Towles was born in Greensburg, September 25, 1860, and studied law in the office of his father and his father's partner, Colonel Hudson. In January, 1885, he was admitted to the bar, practiced for five years in his native city, and in 1890 removed to Campbellsville, where the same year he was elected city attorney. In Green county he was the candidate on the Democratic ticket for county attorney, running against his brother-in-law, Luther L. Foster, who was nominated by the Republicans. He made the strongest race since the war and was defeated by only thirty-one votes.

In December, 1885, he wedded Mary Chandler, who was educated in her native city, Greensburg, and in Louisville and Nashville. They have three children—Frederick Mason, Elzy Chandler and David T. Towles.

THE BAR OF BOYLE AND MERCER COUNTIES.

BY HON. W. W. STEPHENSON, A. M., OF HARRODSBURG.

THE history of the bar of Mercer county, which formerly included Boyle, possesses a special interest from the important part which its members, embracing many of our most prominent statesmen, have played in shaping the destiny of our state and nation.

The first settlement in Kentucky was made at Harrodsburg, June 16, 1774, and the first court held in the state convened there September 2, 1777. The entire district was then known as Kentucky county, which had been carved out of Fincastle county in 1776 and still remained part of Virginia. In 1780 it was divided into three counties, of which Lincoln was one. A court was held for this county at Harrodsburg, January 16, 1781. A commission from the governor of Virginia was then produced and read, appointing thirteen "gentlemen" justices of the peace to hold the county court. At the February term of this same court Colonel Ben Logan came into court and offered ten acres of land at Asaph (now Stanford) for building a court-house thereon; and at the April term two justices were appointed to contract for the building of a court-house and prison at Buffalo Spring, at St. Asaph's. At the May term, 1783, a committee was appointed to remove the court-house and prison to that place; and at the August term a committee of two was appointed to receive the court-house and prison if completed according to contract.

In this same year, 1783, the legislature of Virginia established a supreme court for the district of Kentucky. The first meeting of this court was held at Harrodsburg, John Floyd, Samuel McDowell and George Muter acting as judges. Danville was afterward selected, on account of its central position, as the place for holding the court. A hewed-log house and jail were erected there, and there, with one exception, were held that long series of conventions through which the people of Kentucky sought separation from Virginia and admission into the Union as an independent state. In 1783 Hon. Harry Innes was elected by the legislature of Virginia one of the judges of the supreme court of Kentucky, and on the 3d day of November, of the same year, entered upon the duties of his office in connection with Hon. Caleb Wallace and Samuel McDowell.

Walker Daniel, a young lawyer who had come from Virginia and settled in what is now Boyle county, in 1781, and entered upon the practice of his profession, acted as prosecuting attorney in this court until his death in 1784, when he fell a victim at the hands of an Indian.

Walker Daniel laid out the town of Danville, was its original proprietor, and laid the foundation for a large fortune. His principal competitor in the practice of his profes-

sion at that early day was Hon. Christopher Greenup, a Virginian who settled in Kentucky, and on March 4, 1785, was sworn as an attorney-at-law in the court for the district of Kentucky. He became clerk of the court March 18, 1785, and held that office during the existence of the court. He represented Mercer in several of the conventions held at Danville; served this district in congress from 1792 to 1797, and was governor of the state from 1804 to 1808.

In the conventions held at Danville through which the people sought to become an independent state, the very best talent of the state was represented, by such lawyers and statesmen as Thomas Marshall, George Muter, Harry Innes, John Brown, James Wilkinson, Humphrey Marshall, Benjamin Sebastian, and others. Mercer county furnished many distinguished representatives. In the convention of 1787 it was represented by Samuel McDowell, Harry Innes, George Muter, William Kennedy and James Speed. At other times John Brown, Christopher Greenup, John Jouett and Willis Green were among the delegates. To the convention which framed the first constitution in 1792 she sent George Nicholas, the celebrated lawyer, Samuel Taylor, Jacob Froman, David Rice and Samuel McDowell. Over all these conventions Samuel McDowell, who resided at Danville, presided.

Of the convention of April 19, 1792, Governor Morehead says: "It abounded in talent, integrity and patriotism. George Nicholas was its brightest luminary. If he was not a transcendent orator, according to the Demosthenian process of resolving eloquence into action alone, his powers of argumentation were of the highest order, and his knowledge of the laws and institutions of his country placed him in the first rank of the distinguished men by whose wisdom and patriotism they were established. A member of the convention that ratified the constitution of the United States, he was the associate of Madison, of Randolph and of Patrick Henry; and he came to Kentucky in the fullness of his fame and in the maturity of his intellectual strength." The historian Collins says: "No greater tribute to his fame as a lawyer can be paid than to state that among his law students were Joseph Hamilton Daviess, John Rowan, Martin D. Hardin, Robert Wickliffe, William T. Barry, Isham Talbot and John Green,—a galaxy of great lawyers and advocates seldom equaled in the history of the bar." When a law department was added to Transylvania University he was elected the first professor.

Before Kentucky was formed into a state it was represented in the Virginia legislature by the following Mercer men: John Brown, in the senate, and in the lower house by William McDowell, John Jouett, Alexander Robertson and Samuel Taylor, the first representative of the county after the formation of the state. Thomas Allin and Alexander Robertson, of Mercer, were members of the Virginia convention which ratified the constitution of the United States.

Among the most distinguished lawyers of that time was Hon. John Brown, who lived and practiced law at Harrodsburg for some time, and who afterward became the first United States senator elected from Kentucky. He was one of the board of trustees when Harrodsburg was incorporated in 1785, which also included such prominent men as James Harrod, William Kennedy, Samuel Taylor, William Christian, John Cowan and Benjamin Logan. The trustees of Danville, when it was incorporated in

1787, included such distinguished lawyers and citizens as Samuel McDowell, William McDowell, Christopher Greenup, George Muter, Harry Innes, William Kennedy, Abram Irvine and John Jouett. There is now in the Mercer county clerk's office one of the books recording the doings of the board of trustees when Hon. John Brown was one of them. There was no abler lawyer in the state at that time. He studied law in the office of Thomas Jefferson and came to Kentucky in 1782; was a member of the Virginia legislature from the district of Kentucky, and was by that body appointed a member of the "old congress" in 1787–8. In 1789 and 1791 he was the representative from Kentucky district in the lower house of congress, and after the formation of the state in 1792 he was elected to the United States senate and there served until 1805.

Hon. James Brown, a brother of Hon. John Brown, was also a lawyer of the very highest order of ability and was in that early day associated with the leading lawyers of the state,—Nicholas, Breckinridge and others. He was the first secretary of state, but afterward, in 1803, he removed to Louisiana, where he and Mr. Livingston prepared the civil code of that state. He was elected from that state United States senator from 1812 to 1823, and in the latter year was appointed by President Adams minister to France.

John and James Brown were both members of the Political Club at Danville, which existed from 1786 to 1790. This club consisted of thirty members, comprising the leading and most influential citizens of the western community at that time. They were men who had passed through the Revolutionary war, and every one had received a good education. At the meetings of this club important and even momentous questions in reference to the government of the western community were discussed, as is shown by the minutes; and the discussions and deliberations of this club proved a valuable training and preparation for the meeting of issues and problems with which many of the members were confronted.

Among the members of this club were Harry Innes, Christopher Greenup, John Brown, James Brown, George Muter, Samuel McDowell, William McDowell, William Kennedy, James Speed, Thomas Allin, Willis Green, Benjamin Sebastian and Thomas Speed.

Mercer county was formed out of Lincoln county in 1785, being the sixth in numerical order of the nine counties erected by the Virginia legislature prior to the admission of Kentucky into the Union. The first county court for this county met at Harrodsburg on Tuesday, August —, 1786, and appointed Thomas Allin its first clerk. The justices of the peace who were present and presided were John Cowan, Hugh McGary, Samuel Scott, Samuel McAfee, Gabriel Madison, Alexander Robertson, John Irvine and Samuel McDowell, Sr.,—the first four of whom were among the first settlers who came to Harrodsburg in the spring of 1775.

By act of the first legislature after the formation of the state, approved June 28, 1792, courts of quarter sessions were established for each county, consisting of three justices. Accordingly a court of quarter sessions was held at Harrodsburg on September 25, 1792, by Justices Captain James Speed, William Kennedy and John Cowan. Thomas Allin was appointed clerk. Cap-

tain James Speed came to Kentucky with his family in 1782, and settled four miles from Danville, where he died in 1811. He was well educated and a writer of some note; in 1784 he was judge of one of the first courts established in Kentucky, and was a member of the Kentucky conventions of 1785 and 1787. He was the grandfather of Hon. James Speed, attorney-general of the United States under President Lincoln. General William Kennedy was a member of the conventions of August, 1785 and 1787. He came to Kentucky as early as 1776, but afterward took part in the Revolutionary war, it is thought. Captain John Cowan was one of the pioneers who came with Harrod in 1774 and settled at Harrodsburg June 16; and he took an active part in the early history of the state. The other justices who presided at these courts of quarter sessions for the county prior to the establishment of circuit courts in 1803, were George Thompson, Samuel McAfee, George Caldwell, Robert Mosby and Jeremiah Briscoe, having been appointed in the order named. The latter two represented the county in both branches of the legislature.

James G. Hunter produced his commission as circuit judge, March 2, 1803, and held court. A court was held for the Mercer circuit May 23, 1803: present James G. Hunter, judge; George Thompson and Jeremiah Briscoe, assistant judges. Other assistant judges were Charles Humphrey, William Starling, and William L. Kelley, who became presiding judge in 1806. At the June term, 1804, Honorable James G. Hunter presented a commission allotting him to the circuit composed of Mercer, Washington, Lincoln and Pulaski counties.

In addition to the attorneys before mentioned the following qualified as members of the Mercer bar prior to the year 1800: J. Samuel Irvine and James G. Hunter, 1793; Isham Talbot and Thomas T. Davis, 1794; Richard Dickerson and Joseph Hamilton Daviess, 1795; John L. Bridges, Robert Hamilton and Theodorick Bland, 1798. Of these, James G. Hunter, Thomas T. Davis, Joseph Hamilton Daviess and John L. Bridges were active practitioners at the Mercer bar for many years.

Thomas T. Davis was the first prosecuting attorney for the district of which Mercer was a part. He continued to act as such till June, 1797, when he was succeeded by William McDowell, who filled that office till 1810. It may be a matter of some interest, as showing how services were valued at that early day, to mention that the order book shows that in September, 1794, Thomas T. Davis received as salary for the previous year as deputy-attorney for the commonwealth the sum of twenty-four pounds, and on October 3, 1801, William McDowell, Esquire, was allow twenty-five pounds for his salary for the past year. Thomas Allin, clerk, was allowed thirty pounds for his services for the year.

Thomas T. Davis represented Mercer county in the legislature and was afterward elected to congress from this district, serving from 1797 to 1803.

Colonel Joseph Hamilton Daviess, who qualified as an attorney September 27, 1795, became very distinguished as a soldier, lawyer and statesman. His parents moved to Lincoln county when he was but five years old. When eighteen years of age he served under Major Adair in a campaign against the Indians. Upon his return he studied law under the celebrated lawyer, George Nicholas, entering a class of stu-

dents consisting of Isham Talbot, Jesse Bledsoe, William Garrard, Felix Grundy, William B. Blackburn, John Pope, William Stuart and Thomas Dye Owens,—all of whom became distinguished at the bar and in their country's history. All of these lawyers, with the exception of the last two, were members of the Mercer bar.

The legislature, on December 19, 1795, established six district courts for the state. That for Mercer, Lincoln and Garrard counties was held at Danville. In order to attend these courts Colonel Daviess settled at Danville and continued to reside there till district courts were abolished and circuit courts established. He rapidly rose to eminence as a lawyer. In 1801 he was appointed United States attorney for the state of Kentucky. In the same year he appeared as the first western lawyer before the supreme court of the United States. He endeavored to secure an indictment against Aaron Burr in the United States district court at Frankfort, while Henry Clay represented him in securing his release. He fell in 1811 at the battle of Tippecanoe.

Honorable John L. Bridges was a most active and able lawyer of the local bar at Harrodsburg until he qualified as circuit judge in 1833, succeeding William L. Kelley. He continued circuit judge for the seventh judicial district till 1857, when there was a reapportionment of judicial districts. Judge G. W. Kavanaugh then became judge of the fifth district, including Mercer, and Honorable Thomas E. Bramlette qualified as judge of the sixth district, embracing Boyle county. Judge Bridges represented Mercer in both branches of the legislature.

During the first decade of this century the following lawyers qualified as members of the local bar, being residents of Mercer county, at Harrodsburg or Danville: Robert B. McAfee and William L. Kelley, in 1802; William McDowell, John Boyle, John Bowman, William Daviess and Samuel Daviess, 1803; James Haggin and Thomas B. Reed, 1805; John B. Thompson, 1806; John Green, 1807; James Cowan, 1808; George C. Cowan, 1809; James Ray, Jr., and Terah T. Haggin, 1810.

In addition to these members of the local bar, the following distinguished lawyers from other counties qualified during this decade and practiced here: John Rowan, of Bardstown, who was here frequently; Isham Talbot, of Frankfort; Martin D. Hardin and William Irvine, of Richmond; William Owens, of Adair county; William B. Blackburn and William S. Hunter, of Woodford county; Samuel H. Woodson, of Jessamine county; William Littell, of Frankfort, author of Littell's Laws and Reports; Paul J. Booker, of Springfield, afterward circuit judge; Thomas Montgomery, afterward circuit judge and congressman; Chief Justice George Robertson, and Allan B. McGruder.

William McDowell was the first state senator for Mercer county and was chosen by electors of the people. He also represented the county in the lower house. He was the first auditor of the state and was commonwealth's attorney from 1797 until 1810, when he became a circuit judge.

Judge John Boyle, for whom Boyle county was named, was one of the most eminent men of his time. His father emigrated from Virginia in 1779 and settled at Whitley's Station in Lincoln county. He is mentioned on another page of this volume.

John Bowman was one of the early pioneers and was a conspicuous leader in the stirring events comprising the early history

of the state. He was the first sheriff of Lincoln county, January, 1781, and was one of the justices who held court for this county at Harrodsburg, January 16, 1781. William Daviess and Samuel Daviess were brothers of Joseph Hamilton Daviess. Samuel Daviess represented Mercer county in both branches of the legislature, was an earnest advocate of internal improvements and was one of the prime movers in securing the adoption of a system of internal improvements for the state. He was a prominent member of the bar for many years.

Judge James Haggin and Terah T. Haggin were sons of Captain John Haggin, who came to this county as early as 1776. At a very early day he settled in Mercer county, four miles east of Harrodsburg, at Viney Grove, known as Trigg's Station and also Haggin's Station. Judge James Haggin was one of several Mercer men who played a most prominent part in the celebrated contest between the "Old Court" and the "New Court" party, which convulsed the state in a political agitation that stirred it to the "deepest depths" from 1820 to 1826. The storm began brewing in the administration of Governor Slaughter and continued through that of his successor, Governor John Adair, both of whom were from Mercer. In 1826, when Desha was governor, James Haggin was one of the judges of the "new court." Judge Boyle was chief justice of the "old court," and William Owsley, who lived many years in Mercer county, near Danville, one of the judges.

Judge Haggin was a man of talent. He is frequently known by the sobriquet of "Said Haggin," from a note which he executed with the following provision expressed therein: "Said Haggin is not to be hastened in the payment thereof."

Terah T. Haggin was in active practice at this bar for very many years. He married Miss Ben Ali, of Turkish descent. James B. Haggin, the California millionaire and horseman, owner of Salvador and other celebrated running horses, is a son of Terah T. Haggin.

Thomas B. Reed, who lived and practiced law in Mercer county, afterward removed to Mississippi and became United States senator from that state.

John B. Thompson was an able lawyer at this bar from 1806 till his death in 1833. He succeeded Samuel Daviess as commonwealth's attorney March 1, 1819, which office he continued to fill till succeeded by Hon. James Harlan in 1831. He was the father of eleven children, among whom were Senator John B. Thompson and Captain P. B. Thompson, Sr.

Judge John Green was a son of Willis Green, who was a member of several of the conventions at Danville and afterward congressman from 1839 to 1845. He studied law under Henry Clay and became noted for intellectual vigor and a high sense of honor, figured prominently in the establishment of Center College and of the Deaf and Dumb Asylum, and was appointed circuit judge, which office he filled many years.

James Cowan was commonwealth's attorney in 1810.

About the beginning of this century there was a trial at Harrodsburg which has become historic because of the parties involved. In 1801 Lewis Robards, the husband of Rachel Robards, brought suit in the Mercer circuit court for a divorce. Rachel Robards had become the wife of Andrew Jackson under the impression that she had been divorced from Lewis pre-

viously. After divorce was granted Lewis Robards in Mercer county, Andrew Jackson married her again.

At the October term, 1810, of the Franklin circuit court, the case of Harry Innes versus Humphrey Marshall was by consent transferred from that court to the Mercer circuit court. This was a suit brought July 16, 1807, in that court, by Judge Harry Innes against Humphrey Marshall, because of the publication in the Western World of an article written by Marshall reflecting on Innes. Among other things he charged Innes with being a "judge weak, partial and an enemy to the government, as a faithless public servant and an oppressor of private rights," etc. The case finally came on for trial June 8, 1814, and resulted in a "hung" jury. The case was afterward dismissed. At the time of the pendency of that suit the bar of Mercer included a long list of distinguished lawyers.

During the next decade, 1810 to 1820, Hon. Thomas P. Moore, G. B. Thompson, William T. Wood, D. G. Cowan, J. P. Mitchell, Joseph Haskin, G. L. Waugh, J. Eccles, John A. Gordon and William McBride were added to the local bar, while John Hays, who was famous as a great orator, and Ben Hardin, one of the foremost lawyers of the state, both of Nelson county, and Robert P. Letcher, who was congressman 1823 to 1833, and governor 1840 to 1844, W. W. Chapman and others from a distance qualified as members of this bar.

Colonel Thomas P. Moore was for many years a very prominent member of the Mercer bar and became distinguished in politics. He came from Virginia when quite young, his parents settling near Danville. When sixteen years old he entered the war of 1812 and distinguished himself. He studied law under Judge John Green; was elected to the legislature as soon as he was eligible, and afterward sent to congress for eight years from this district, serving from 1823 to 1829 and from 1833 to 1835. He advocated the abolishment of imprisonment for debt and procured large grants for the Deaf and Dumb Institute. He was appointed by President Jackson, with whom he was a favorite, minister to Colombia, South America, at Bogota. He was lieutenant-colonel of cavalry in the Mexican war under General Scott, and upon his return he practiced his profession. He was a member of the convention of 1849, which framed the third constitution of the state. He was a man of iron will and great force of character.

Judge William T. Wood afterward removed to Missouri and there became a district judge. D. G. Cowan and J. P. Mitchell lived in what afterward became Boyle county and were active members of this bar. T. P. Moore, D. G. Cowan, George C. Cowan, George Thompson and Joseph Haskin represented Mercer in the legislature, and J. P. Mitchell afterward represented Boyle county.

During the decade 1820-30, James Harlan, Charles M. Cunningham, Samuel Glover, William Glover, Elijah A. Moore, Madison Worthington, James S. Hopkins, Captain Ben Trapnall, Thomas P. Lacy, and James Taylor became members of the local bar of Mercer. Simeon H. Anderson, of Lancaster, who was a lawyer of very marked ability and represented his district in congress, also became an active member of the bar here in 1823.

James Harlan lived for many years at Harrodsburg and did a large practice here. He became commonwealth's attorney April 4, 1831, and was succeeded by Samuel

Lusk, of Lancaster; was a member of congress in 1835–9; was chairman of the committee to investigate the Swartout defalcation, which at that time created a profound sensation in the country.

Charles M. Cunningham was for a long while one of the leading lawyers of the bar.

Samuel Glover lived for many years in Mercer county and practiced law at this bar. He and his son William afterward removed to Missouri. Samuel Glover became one of the leading lawyers of St. Louis.

Madison G. Worthington, James S. Hopkins, Ben C. Trapnall and James Taylor each served in the legislature.

The decade from 1830 to 1840 added to the local bar Joshua F. Bell, James Harlan, Jr.; James H. Thompson, Beriah Magoffin, William T. Haggin, son of James Haggin, William T. Willis, and James D. Hardin.

Joshua F. Bell was born November 26, 1811, in Danville, Kentucky, where he died August 17, 1870. He graduated at Center College, studied law at Lexington and afterward traveled several years in Europe. Upon his return he entered upon a large and lucrative practice, being a lawyer of remarkable ability. He represented his district in congress from 1845 to 1847, and was secretary of state in 1850 under Governor John J. Crittenden; made the race for governor in 1859, being beaten by Governor Beriah Magoffin; was a strong Union man, one of the six commissioners to the peace conference at Washington and a delegate to the border state convention. He was one of the ablest men in the state, his great eloquence earning for him the sobriquet of the "silver-tongued."

Governor Beriah Magoffin was born in Harrodsburg, April 18, 1815, where he lived most of his life and died. In 1839 he formed a partnership with his brother-in-law, Charles M. Cunningham, who had a lucrative practice. He was elected to the state senate; was elected governor in 1859, and was district delegate to the national conventions at Baltimore, Cincinnati and Charleston.

James Harlan, Jr., was a lawyer of ability. He moved to Louisville.

James D. Hardin, James Taylor, and W. H. Hooe each represented the county in the state senate and were active practitioners at the bar.

William T. Haggin afterward removed to Louisville and represented Jefferson county in the state senate 1855–7.

William T. Willis, who came from Wayne county, was an able lawyer and eloquent speaker.

In 1839 the celebrated Wilkinson trial, in which some of the ablest lawyers and most brilliant orators of the country appeared as counsel, took place at Harrodsburg. Judge Wilkinson, Dr. Wilkinson and Mr. Murdaugh, of Mississippi, had been indicted in Louisville for the murder of John Rothwell and Alexander H. Meeks at the Galt House, and there was a change of venue from the Jefferson to the Mercer circuit court. March 4, 1839, was fixed as the day for the trial to begin; but it was postponed until Monday, March 11. Hon. John L. Bridges presided as circuit judge. Hon. Ed. J. Bullock was prosecuting attorney, having been sworn in on March 4, 1839. He was assisted in the prosecution by Hon. Ben Hardin, of Bardstown, who was recognized as one of the ablest lawyers in the state. Against them were pitted a brilliant array of counsel for the defense—the matchless Sargent S. Prentiss, of

Mississippi; John Rowan, George Robertson, and C. A. Wickliffe, from a distance, and John B. Thompson, Charles M. Cunningham, Samuel Daviess and James Taylor, of the local bar.

This has been regarded as one of the most interesting and remarkable criminal trials that has ever taken place in the country, from the peculiar circumstances attending the tragedy and the character and standing of the defendants, but more especially from the recognized ability of the leading counsel engaged in the case. All the speeches delivered came up to a very high standard for ability; but the speech of the gifted Prentiss completely electrified all who came within reach of his magnetic voice and powerful eloquence. Mr. A. B. Carlton, in his introduction to his book publishing in full the speeches of this remarkable trial, says: "As to the address of the Hon. S. S. Prentiss, of Mississippi, it has long been the opinion of many judicious critics that for power, beauty of diction, wit, pathos and humor, this address of Mr. Prentiss has never been surpassed in this country." So profound was the impression made by this speech upon his hearers that Mr. Isaac Vanarsdall, one of the jurors, could repeat it almost verbatim to the time of his death in 1890.

The most intense interest was manifested throughout and the court-house could accommodate only a small part of those who came to hear these distinguished lawyers. Hon. Ben Hardin, Judge John Rowan, Hon. John B. Thompson and George Robertson had no superiors in this state as forceful, powerful speakers and able lawyers. As to the gifted Prentiss, Daniel Webster, Henry Clay and Edward Everett place him alongside of the most renowned orators of ancient and modern times. It is claimed that the speech of Hon. Ben Hardin, as reported, does not do justice to the strong, logical speech delivered. It is also stated that he felt chagrined that Prentiss elicited so much sympathy and enthusiastic applause from the people of Harrodsburg and vicinity, and that this influenced him in exerting his strong influence in the legislature to separate Boyle from Mercer county. There had been a long and active struggle on the part of the people of Boyle for a separation and organization into a new county. Finally these efforts were successful, and Boyle was cut off from Mercer and became an independent county in 1842.

Before this separation John Marshall Harlan, P. B. Thompson, O. S. Poston, Charles E. Bowman, James Barbour, William P. Blackstone and James W. Mays were added to the local bar; and before 1850 Edward Worthington, Micah T. Christman, Charles H. Mays, John J. Sweeny, Charles S. Smedley, Charles C. Tomlinson and Franklin Ballinger were added.

General J. T. Boyle, William Anderson, F. T. Fox, M. J. Durham, Gen. S. F. Fry, who during this decade were added to the local bar at Danville, also became very active and prominent members of the Harrodsburg bar.

Hon. John Marshall Harlan was a prominent member of the Harrodsburg bar. He became a leader of the Republican party and was the nominee of that party for governor in 1871 and 1875. On November 29, 1877, he was appointed one of the associate judges of the supreme court of the United States.

Captain P. B. Thompson has been a very active and prominent member of the Harrodsburg bar from the time of his qualifica-

tion to the present time, being now in his seventy-seventh year. He has been one of the ablest criminal lawyers in the state and has defended in many noted trials. He was elected commonwealth's attorney and qualified June 21, 1851, succeeding his brother, Hon. John B. Thompson, who qualified April 7, 1845.

Judge O. S. Poston, while he held no office other than those of police judge and master commissioner, was a leading equity lawyer at the bar till his death, and was a man of the highest integrity of character.

Edward Worthington was a lawyer of ability. He removed to Louisville.

General Jerry T. Boyle was a son of Judge John Boyle. He married a daughter of Simeon H. Anderson, formed a partnership with his brother-in-law, Hon. William Anderson, and for years had a large practice at Danville and Harrodsburg. He was genial and charming in the social circle and a lawyer of eminent ability.

Judge F. T. Fox was a distinguished lawyer and jurist. In 1862 he was elected circuit judge, which position he held many years.

Hon. M. J. Durham located at Danville in 1850. In 1861 he became circuit judge of the sixth district (including Boyle county) by appointment. In 1890 he abandoned his law practice to accept the position of cashier of the Central Bank of Lexington, Kentucky.

Brigadier-General Speed S. Fry was a resident of Danville and filled various civil and military offices, was educated at Center College, served in the Mexican war, and came out of the late Civil war as a brigadier-general.

During the fifteen years from 1850 to 1865, the close of the Civil war, W. H. Hatch, E. J. Polk, Captain T. C. Bell, Sherrod Williams, John G. Kyle, Judge Charles A. Hardin, Colonel Nat. Gaither and T. J. Polk became members of the local bar of Harrodsburg; and Judge R. P. Jacobs, John S. Van Winkle, T. E. Quisenberry and F. G. Fox of that of Danville. Many of these held important offices. Hon. W. H. Hatch lived and practiced law at Harrodsburg for many years, but afterward removed to Hannibal, Missouri. He represented his district in congress.

Judge C. A. Hardin was elected circuit judge of the eighteenth district, including Mercer, in 1880, and served six years.

Colonel Nat. Gaither held the position of secretary of state under Governor Magoffin, whose daughter he married.

Judge R. P. Jacobs formed a partnership with Hon. M. J. Durham, and this firm did a large business at both bars. Judge Jacobs was a member of the convention that framed the present constitution of the state and was one of the ablest lawyers in that body.

Hon. John S. Van Winkle was secretary of state under Governor Thomas E. Bramlette, succeeding his brother, Eph. Van Winkle, who died in office.

After the separation of Boyle from Mercer, it continued in the same judicial district, the seventh, until 1857, Hon. John L. Bridges being judge. Andy Barnett became commonwealth's attorney in 1856, succeeding P. B. Thompson. In 1857, there having been a redistricting of the judicial districts, Judge G. W. Kavanaugh, an able lawyer of Lawrenceburg, became judge of the fifth district, including Mercer; and Hon. Thomas E. Bramlette, who afterward became governor, qualified as judge of the sixth district, including Boyle;

and Hon. Eph. Van Winkle as commonwealth's attorney. In 1863, at the April term, Judge John P. Newman, author of Newman's Practice, qualified as circuit judge of the Mercer district, and L. H. Noble as commonwealth's attorney. Mr. Noble afterward removed to Louisville, and is now, 1897, judge of the criminal division of the circuit court of Jefferson county.

During the decade following the Civil war, the following lawyers became members of the Harrodsburg local bar: Thomas H. Hardin, William B. Allin, Hon. P. B. Thompson (2d), who represented the district in congress from 1881 to 1885, John B. Thompson (2d), B. L. Hardin, A. T. Spilman, John T. Spilman, P. W. Hardin, who served three terms as attorney-general of the state, from 1879 to 1887, W. E. Keller, James Q. Chenoweth, who afterward became a judge in Texas and then third auditor under President Cleveland's first administration, John Askew, C. Terhune, W. I. Moberly, J. H. Lucas, who afterward became a very successful lawyer in Missouri, J. J. McAfee, John Charles Thompson, afterward surveyor general of Wyoming, Colonel E. H. Gaither and James T. Wilson; and during the next decade Judge J. K. Simrall, B. F. Roach, county judge, 1897, J. W. Hughes, former county judge, W. W. Stephenson, state senator, 1897, and James F. Vanarsdall, city attorney, 1897. During the same time the following became members of the Danville local bar: Hon. Aaron Harding, a very able lawyer, who represented his district in congress from 1861 to 1867, his two sons, Samuel Harding and Robert Harding, county attorney, 1897, Hon. R. J. Breckinridge, who was judge of the common-pleas court, Hon. Charles H. Rhodes, who was appointed at the beginning of the present administration collector of internal revenue for the eighth district, and Hon. John W. Yerkes, one of the most prominent members of the Republican party in the state, being the present national committeeman from Kentucky, and C. C. Fox.

In 1868 Judge G. W. Kavanaugh again became judge of the Mercer circuit, and J. W. Schooling commonwealth's attorney. The latter resigned in 1872, and P. B. Thompson, Jr., was elected to fill out his unexpired time, the vacancy in the *interim* being filled by John R. Thomas; Hon. P. B. Thompson was elected to congress and resigned as commonwealth's attorney, whereupon Thomas A. Robertson, of Hodgenville, afterward a member of congress from 1883 to 1887, qualified as his successor. He was succeeded by Finley Shuck, of Lebanon.

Judge J. C. Wickliffe qualified as judge of the Mercer circuit court May 9, 1871, having been elected to fill out the remainder of the term of Judge Kavanaugh, who died. He was succeeded by Judge C. A. Hardin in 1880, and he by Judge W. E. Russell in 1886.

In 1868 M. H. Owlsey succeeded Judge F. T. Fox as judge of the Boyle circuit court and continued to fill that position for two terms. George Denny, of Lancaster, at the same time became commonwealth's attorney, and was succeeded by R. C. Warren. In 1880 Judge T. Z. Morrow was elected judge, and William Herndon commonwealth's attorney.

In 1893 Boyle and Mercer counties, in the redistricting of the state, again became embraced in the same judicial district, and Judge M. C. Saufley and J. S. Owsley, both

of Stanford, were elected judge and commonwealth's attorney, respectively.

In addition to the many celebrated lawyers who have already been mentioned, Henry Clay, John J. Crittenden, Garrett Davis, Robert J. Breckinridge, Sr., James Guthrie, Jesse Bledsoe, John Pope, John L. Helm, Charles A. Wickliffe, Richard H. Menefee, Joseph Holt and William Owsley are among the earlier lawyers who practiced at this bar. In the early history of the state Harrodsburg and Danville were the most important central points for courts and litigation, and the system of itinerancy then prevailing brought hither the most brilliant lights of the legal profession. To the present time the prominent lawyers of the neighboring bars are frequently seen in this forum.

Many members have been added to the local bar of Harrodsburg during the past decade until it numbers thirty-four. Captain P. B. Thompson, Judge Charles A. Hardin and Hon. T. C. Bell have been longest in the practice at this place. Many additions have also been made to the Danville bar during this time. At both these places the bar has been considered able, and a high standard has been maintained for the ambitious young lawyer to emulate.

Space forbids that I should refer to the many celebrated trials which have taken place in the historic old court-house at Harrodsburg, which was built in 1818 by Joel P. Williams, and which occupies the center of a square in the heart of the town. But a long list of the ablest and most illustrious lawyers of the state—those of the past as well as the living—have appeared in this forum.

SAMUEL McDOWELL, statesman and jurist, was born in Pennsylvania in 1735 and died near Danville, Kentucky, September 25, 1817. His father, John McDowell, and his grandfather, Ephraim McDowell, came from Ireland to America in 1729, accompanied by other emigrants of Scotch extraction. The mother of Samuel McDowell bore the maiden name of Magdalena Wood, and her mother was a representative of the Campbell family. John McDowell became a conspicuous figure in the affairs of the colonies; he was a man of distinction, a natural leader, self-reliant, independent, and fearless. He located first in the colony of Pennsylvania, and in 1737 made a survey of Burden's grant in Virginia and was most active in colonizing that beautiful valley, inducing many of his clansmen of the Scotch-Irish blood to locate there. He fell while defending his home from an Indian attack, on Christmas day of 1742.

Samuel McDowell was reared in this new settlement. Few restraints of any character prevented the full and free development of his strong nature and marked individuality. He had not even a classical or collegiate training to incline his mind in a certain direction. In those early days the children of a neighborhood were usually instructed by a person in the community whose own educational facilities had been such as to enable him to serve as a teacher for others, and thus it was that Samuel McDowell came under the instruction of Archibald Alexander, who had been very liberally educated in Ireland and was a man of scholarly attainments. The exposed situation of the frontier inured him from infancy to endure hardships and to be indifferent to danger. In encounters with Indians and in the more serious French and Indian wars, he was frequently engaged in military service, and with General George Washington took part in the campaign of the Monongahela valley in 1755. In Hen-

nings' statistics his name appears in an "act of the Virginia assembly in 1758 as one of the soldiers of Augusta county, Virginia, engaged in the arduous campaigns of the French and Indian war." In 1775 a large tract of land in Fayette county, Kentucky, was surveyed and awarded him for his services. The official records show that Captain Samuel McDowell, in command of a company of scouts, did frequent and valuable service during the campaign in which the power of the Shawnese tribe was broken. In the war of the Revolution he was colonel of a regiment of militia from Augusta county which guarded the mountain passes, kept in subjection the Indians from the west and southwest and participated in the glory of General Nathaniel Greene's North Carolina campaign at Guilford Court House, where the regiment, under Colonel McDowell's immediate command, drove back the British regulars and held the ground until assailed in the flank by the British cavalry and left unsupported. The colonel afterward continued with the remnant of his command and participated in the final campaign of the war with General Greene's army in the pursuit which ended with the surrender of Cornwallis at Yorktown.

Thus many times Samuel McDowell went forth to fight for home and freedom with undaunted loyalty and fearlessness. But not only in military affairs did he serve his country; in civic interest as well did he labor for the interests of colony and state and engrave his name indelibly on the historic civil annals of Kentucky. Before the war which brought to America her independence he several times represented Augusta county, Virginia, in the house of burgesses, and was an able and ardent advocate of the Resolutions of Remonstrance, prepared by Patrick Henry. He was one of the delegates from his county to the convention which met in Richmond, March 20, 1775, also a delegate to the second convention, which met in Williamsburg and instructed the Virginia delegates to the continental convention to "declare the united colonies free and independent states." He was also one of the "state council" at the close of the war, and was appointed surveyor of public lands in Fayette county, then comprising one-third of the district of Kentucky. In 1783 he opened an office and entered upon the discharge of his duties, which required not only technical skill in the surveying art, but also the highest moral courage and most incorruptible integrity of character,—qualities which were combined in Mr. McDowell. On the 3d of March, 1783, he was appointed one of the judges of the first district court ever held in Kentucky. The sessions of court were held in Harrodsburg, and his associates were John Floyd and George Muter.

In 1784 Colonel McDowell removed his family to the district over which he had jurisdiction, locating in what is now Mercer county. The question of the separation of Kentucky from the commonwealth of Virginia was being agitated and in 1785 a convention was held for the discussion of the proposed division at Danville; over this, as well as over the eight subsequent conventions held there, Judge Samuel McDowell presided. "His social position, his solid attainments, his mature convictions, his high character, his judicial temper, his fine presence, his popular manner and his practical and varied experience of public life admirably qualified him for the position, and centered upon him the attention, confidence and respect of the able men who were asso-

ciated with him." Through the troublous and unsettled period of Kentucky he was the central figure of a historical group conspicuous for courage, intelligence, fortitude, dignity of character and mental poise; in those deliberative bodies which shaped the policy of the state, established its legislative, executive and judicial departments and fused into it those elements which give it stability and force, placing it among the foremost of the nation, Colonel McDowell was an important factor. He was president of the convention of 1792, which framed the first state constitution. He was one of the first circuit-court judges and one of the first district judges of the new state appointed by Isaac Shelby, the first governor of Kentucky. In all the positions that he occupied he acquitted himself with credit and honor and was highly respected for his strong sense of right, his unbending integrity, his spotless character and his simplicity of manner. He lived to see the commonwealth, which he had done so much to create, a powerful factor in the confederacy of independent states.

In politics he was a Federalist of the Washington school, and in religious views was a Presbyterian. In person, he was tall, erect and stately. His forehead was square, high and prominent; his face long, with a chin and mouth indicating decision, firmness and high spirit without heat or passion. The general effect was handsome, dignified, inviting confidence and enforcing respect.

Judge McDowell was married January 17, 1754, at the age of eighteen, to Mary McClung, who was a native of Ireland, but, like her husband, of Scotch descent. She emigrated to America with a sister and four brothers a few years prior to her marriage. They had a large family of sons and daughters, whose progeny have been prominent in the annals of the country and in professional life. Major John McDowell, the eldest son, rendered distinguished service to the country in the war of 1812, and his son, Dr. Joseph Nashe McDowell, became one of the most celebrated physicians of Missouri. The second son of the original family was Colonel James McDowell, who served both in the war of the Revolution and the war of 1812. The third son, William McDowell, became a lawyer. The most distinguished son of Judge McDowell was Dr. Ephraim McDowell, "the father of ovariotomy." He was educated at the University of Edinburg and practiced his profession in Danville, Kentucky, where he performed the first successful operations for the removal of ovarian tumors, and where a handsome monument, erected by the profession in Kentucky, commemorates his achievement. The fourth son, Samuel McDowell, Jr., his father's namesake, served as a private soldier in the Revolutionary war under Marquis de La Fayette, and was present at the surrender of Cornwallis. He removed with his father to Kentucky and was appointed by President Washington the first United States marshal of the district of Kentucky in 1789. With unimpeachable probity and the utmost fidelity he discharged the duties of the position during the remainder of Washington's administration, all through that of John Adams and a part of the term of Thomas Jefferson. So thoroughly were the teachings of Washington instilled into this family that, of his twelve grandsons living at the time of the breaking out of the Civil war, all were for the Union, though nine were residents of southern states. One was "bushwhacked" near his home in Missouri at the commencement of hostilities, nine were officers in the federal army, one being too infirm and the

remaining one too young for military duty. His son Abram was the father of Major-General Irvine McDowell, of the United States Army. The fourth son was Dr. William A. McDowell, who attained distinction in his profession in Danville and Louisville and was the author of an interesting and valuable treatise on consumption, published in 1853. His son is Henry Clay McDowell, a prominent and honored citizen of Lexington, Kentucky.

Henry Clay McDowell was provided with excellent educational advantages, and was graduated with credit in the Louisville Law School. For some years he was associated in the practice of law with Judge Bland Ballard. He was among the first of Kentucky's citizens to offer his services to the Union as the preserver of that coalition between the states which his ancestors had fought to establish. In 1862 he resigned to accept the office of United States marshal for Kentucky, which position was occupied by his grandfather, Samuel McDowell, Jr., from 1789 to 1798.

Henry Clay McDowell married Anne, daughter of Lieutenant-Colonel Henry Clay, who fell at Buena Vista, and was a son of Henry Clay, the illustrious and immortal Kentucky statesman. The latter's old home, "Ashland," is now owned and occupied by Mr. McDowell, who has collected many relics and mementoes of the former owner. He and his wife are the parents of six children, namely: Henry Clay, an attorney at law, of Big Stone Gap, Virginia; William, who is a civil engineer; Thomas, who is engaged with his father in conducting a stock farm near Lexington; Nettie, wife of Dr. Bullock; Madge and Julia. Miss Madge McDowell has acquired considerable reputation as a writer, and has contributed to the Century and other magazines many articles of merit and literary worth.

Major McDowell retired from the active practice of law in 1860, and has since been extensively engaged in stock-raising, the "Ashland" being for years one of the most noted stock farms in Kentucky. He has also, since its organization, been president of the Lexington & Eastern Railway Company, and was deeply interested in the construction of the road. He is an active, enterprising and public-spirited citizen, affable and courteous to all, and in his beautiful home dispenses a bountiful hospitality to his many friends.

FONTAINE TALBOT FOX was born in Madison county, Kentucky, on the 28th of January, 1803. His father, William Fox, was the fourth son of Samuel and Rhoda (Pickering) Fox, the latter a daughter of Richard and Lucy Pickering, of Hanover county, Virginia. Samuel Fox with his family emigrated from Hanover county, Virginia, and made his home in Madison county, Kentucky, in 1790. He was always a man of delicate health and often an invalid, but he reared a large family and lived to the extreme age of ninety-nine years five months and fifteen days.

William Fox was born in Hanover county, Virginia, in 1779 and came with his parents to Kentucky. He married Sophia Irvine, who was born and grew to womanhood in Campbell county, Virginia, the youngest daughter of David and Jane (Kyle) Irvine. Her father and grandfather, Christopher Irvine, were both officers in the patriot army in the Revolutionary war for the independence of the colonies. In 1799 William Fox was appointed clerk of the courts of Pulaski county, Kentucky, and held that position

until 1846, when he resigned and was succeeded by his youngest son, William Montgomery Fox. The father was a potential man in his section and exerted a strong influence in the community. He died in 1855, respected by all for his sterling integrity.

Fontaine Talbot Fox, the subject of this sketch, began his education in Richmond, Kentucky, under John Ryland, a teacher of reputation and afterward continued his studies under Samuel Wilson, a renowned educator of Fayette county, completing the same in Forest Hill Academy, in Jessamine county. Having selected the law as his profession in life he was placed in his father's office as clerk to take a preparatory course of legal study. In 1822 he entered the law office of Charles Cunningham, of Somerset, Kentucky, and after two years of faithful study was admitted to the bar and became a partner of his former preceptor. His ability and general bearing soon brought him into prominence in his profession. In January, 1831, he was appointed by Governor Metcalf to the position of commonwealth's attorney for his district, and in that capacity served with great zeal and energy for four years, when he resigned. His civil business had increased greatly, and besides it was distasteful to his sympathetic nature to prosecute. He was never known to accept a fee to prosecute any one. In politics he was a Whig and an enthusiastic follower of Henry Clay, but in 1837 he was elected from the county of Pulaski, a great Democratic stronghold, to the Kentucky legislature, receiving a very large majority.

In December, 1840, Mr. Fox removed from Somerset to Stanford, Lincoln county, in order to be nearer the center of the district in which he practiced. In 1844 he was elected to the state senate, wherein he served four years and was the youngest member of that body. He served in the legislature with a zeal and faithfulness which characterized him in every other sphere and gained for himself the esteem and affectionate regard of his colleagues and the confidence and respect of his constituents. He had, however, no taste for politics; its asperities were at war with his nature and he never again, with but one exception, engaged actively in the pursuit of office. In 1855, without his solicitation, he was nominated by his party and made the race for congress. After a brilliant canvass on his part he was beaten by his opponent by a mere nominal majority.

It was in the forum that Mr. Fox loved best to appear. He delighted to grapple with an adversary in a manly and friendly contest over principles of law before the court and over facts in evidence before the jury. Here he was a master. He was a type of that class of lawyers whose erudition and enterprise have left an indelible imprint upon the profession of the law in earlier days in Kentucky.

He was tall, well formed, of an imposing presence, with a clear ringing voice and admirable action. He was not a rhetorician and but rarely attempted oratorical effect, but addressed himself to the understanding of his auditors; and his searching analysis of the question in hand, his lucid method of presenting it, with his apt illustrations, his ever ready wit and infectious humor and anecdote rendered him a powerful advocate before both the court and its juries. He practiced in a circuit that extended from the "blue grass" to the "mountains" and followed the "procession of the court" from county to county, answering to the call of the dockets and trying every variety of

causes, both civil and criminal, which arose in that section of such varied occupations and interests, without much opportunity for previous preparation. This to the modern practitioner would be a prodigious task; but the versatility and resourcefulness of his mind, his store of varied information, professional and miscellaneous, his quick, keen perceptions and power of rapid concentration of his faculties enabled him to do this labor with great success and to extract from it recreation and profit. His practice grew to great proportions. He was frequently employed on every contested case on the docket, but after thirty-eight years of this labor he wearied with the strife of the bar and asked to be elevated to the bench. In 1849 he moved to Danville. In 1862 and again in 1868 he was elected to the judgeship of his circuit, both times without opposition. He came to the bench richly endowed with experience and learning, and his services as judge showed the flowering of the plant of jurisprudence which he had cultivated for forty years before assuming the judicial ermine.

Judge Fox compelled himself to look at all questions presented for decision in the abstract. No judge ever enjoyed a more exalted reputation for impartiality and fairness. He dispatched the business of his courts promptly, but with deliberation. His services on the bench greatly enhanced the reputation which he had already established for learning in the law. In the administration of the criminal code he was, while enforcing the law, conscious of a comprehensive charity for the unfortunate, for such he always considered those charged with crime. An expression of his which has so often been quoted, "Give the man a chance," was used on an occasion when the attorney for the commonwealth was pressing for the trial of an accused, who was struggling for a continuance without very satisfactory legal grounds, and it expressed his commiseration for all who were so unfortunate as to be caught in the meshes of the law. No one ever brought greater integrity or a livelier sense of honor to the discharge of his duties than he.

In January, 1849, Judge Fox removed to Danville, and there in the outskirts of the town made for his family a beautiful home, where on the 6th of April, 1887, he passed away. He is gone, but the fragrance of his life yet lingers amid the scenes in which it was passed. Had he been more ambitious he might have attained greater eminence. One of Kentucky's most learned critics said of him, "His genius was brilliant and undisputed;" but his heart was far more richly endowed by nature and more assiduously cultivated. The largeness of his nature and the benevolence of his character and conduct saved him from enmities. The frank cordiality of his disposition and bearing made him many friends, and friendship was to him sacred. His quick and nimble wit, with an exquisite sense of humor, a store of anecdotes and dramatic power of recital made him welcome to any circle. But the charm of his nature was best displayed in the home. His coming was the occasion of joyous expectation on the part of every member of the family, from the oldest to the youngest, and with them his bearing was of the utmost affection and tenderness, displaying the same politeness to the youngest member that would be shown to a prince. His courtly and courteous manner reminded one of the cavalier. His house was the abode of hospitality and his hand was always extended in welcome to the approaching guest.

In February, 1830, Mr. Fox was married, in Stanford, Kentucky, to Eliza Jane Hunton, the daughter of Thomas and Ann (Bell) Hunton. She was born on the 21st of November, 1809, in Albemarle county, Virginia, and came to Kentucky in 1816. She is a lady of fine intellect and prompt decision of character, adorned with the graces that spring from a life of true religious devotion. She yet lives, in her eighty-seventh year, in the old homestead and in the full possession of her faculties, surrounded by loving children and the respect and esteem of all who know her. Their living children are the Hon. Fontaine T. Fox and Mrs. Andrew M. Sea, of Louisville, Kentucky; Thomas H. Fox, Charles C. Fox, Mrs. J. C. Caldwell and Felix G. Fox, of Danville, and Dr. Samuel I. Fox, of Willis, Texas. Charles C. and Felix G. Fox are both honored members of the bar at Danville.

The esteem in which Judge Fox was held can best be shown in the reprinting of the following extract from the Courier-Journal of April 9, 1887: "In the death of the venerable Fontaine T. Fox there passes from the scene the last remaining, but by no means the least considerable, among the imposing figures of that Kentucky which was glorified in the senate by Clay, Crittenden and Breckenridge, and at the bar by Hardin, Rowan and Bell. Judge Fox lacked the aggressive nature necessary to attain a great place in public life, and as a politician he was not a success; but his genius was brilliant and undisputed. A man of large affections and of captivating manners, he possessed, along with the most striking legal talents and learning and an excellent character, the gift of a charm, and was universally loved in his home. His standing before the courts when in active practice, and as a jurist when on the bench, was second to none. He dies full of years and honors, leaving a large progeny to inherit his virtues and his fame."

WILLIAM McKEE FOX, deceased, was born in Somerset, Kentucky, April 11, 1833, and died in May, 1880. Choosing as a life work the profession which his father had adorned, he prepared for the practice of law and in that calling attained an eminent place. Called by a strong constituency to public office, he served for four years in the senate of the state legislature, as senator from Pulaski and Wayne counties, and his course in the senate, marked by devotion to public duty and to the interests of his constituents, was one which made him a valued member. In 1878 he sought the nomination of his party for congress, but was defeated by a proxy vote. His strong mentality, versatility and ready adaptability made him an able defender or a dreaded opponent in the court-room, and in social circles he seemed to possess that force which for want of a better term has been called personal magnetism. An editorial in the Courier-Journal, of Louisville, characterized him as "a typical Kentuckian, brave, impulsive, generous to a fault, genial, eloquent, ready and equally strong in society as in his profession. The man never lived with larger heart or brighter intellect. He bent himself seriously to nothing that he did not illumine, and wherever he appeared he was surrounded with a host of admiring associates."

FONTAINE T. FOX, a son of Fontaine Talbot Fox, subject of a preceding article, was born in Somerset, Kentucky,

June 10, 1836. Good educational privileges fitted him for almost any calling that he might choose to follow; but, sprung from a race with a strong predilection for the law, as he grew toward man's estate, he seemed to incline instinctively to the favorite profession of his family. He prepared for the practice of law and with the course of time has demonstrated the possession of those powers which enable him to maintain a place among the able representatives of the legal fraternity. His high standing among his associates and in the city of Louisville, where he makes his home, is shown by his election and appointment to various offices. He became a member of the board of aldermen of Louisville in 1868, was assistant city attorney from 1870 to 1873, and in 1878 was appointed by Governor McCreary as vice-chancellor. In 1886 he was the candidate of the Prohibition party for governor of Kentucky and in the ranks of the temperance workers of the state he has ever been a conspicuous figure.

He married Miss Mary Barton, daughter of the late Professor Samuel Barton, who for many years was professor of mathematics at Center College, of Danville. She died in October, 1894, leaving five children.

Judge Fox is a man of broad scholarship and possesses wide information on the questions of the day. As a writer he is fluent, logical and convincing, and his authorship includes two important works, Fire Insurance Contracts and The Woman Suffrage Movement in the United States.

JOHN W. YERKES, of Danville, was born in Lexington, Kentucky, April 1, 1854. His father, Rev. Stephen Yerkes, D. D., an eminent minister of the Presbyterian church, was graduated in Yale College, in 1837, and for forty years was professor in the Theological Seminary in Danville. He died March 28, 1896. His wife, Amanda (Lovell) Yerkes, was born in Baltimore, Maryland, and died in Danville in 1872.

John W. Yerkes was graduated at Center College, of Danville, in 1873, with the degree of Master of Arts, and afterward at the University of Michigan, with the degree of Bachelor of Laws, after having completed a two-years course in the law department under Judge Cooley and his associates. In 1877 he was admitted to the bar, and soon afterward began the practice of his profession in Danville, where he has since resided. In 1893 he was elected professor in the law department of Center College, and has since acted in that capacity, in addition to his labors as one of the most prominent, profound and successful members of the Danville bar. The successful lawyer must be a man of well-balanced intellect, thoroughly familiar with the law and practice, of comprehensive general information, possessed of an analytical mind and a self-control that will enable him to lose his individuality, his personal feelings, his prejudices and the peculiarities of disposition in the dignity, impartiality and equity of the profession to which life, property, right and liberty must look for protection. Such a man is Mr. Yerkes. He was master in chancery for several years, was one of the Kentucky commissioners to the World's Columbian Exposition, and for ten years has been attorney for the Cincinnati, New Orleans & Texas Pacific Railway Company.

In 1879 Mr. Yerkes married Miss Elizabeth O. Anderson, daughter of Hon. W. C. Anderson and Amelia (Rodes) Anderson.

She is a granddaughter of Hon. Simeon Anderson and a great-granddaughter of Governor Owsley. Their children are S. Lovell, born October 28, 1880, and Amelia R., born July 10, 1883.

Mr. Yerkes' career as a lawyer, orator and statesman has been of unusual brilliancy, and to-day he ranks among the ablest and most influential public men of Kentucky. He is one of the leaders of Republican forces in this state, was chairman of the Republican state committee from May, 1891, to April, 1896, and is a member of the Republican national committee, to which he was elected in February, 1896. He has few equals in organizing and directing the forces that produce success, and his energy and capacity to analyze the needs of the most complicated situations makes his service especially valuable as a political leader. Of a family of great intellectual culture and refinement, he has the courtesy for which Kentucky men are justly noted, and his urbanity, his geniality and his true worth have won him high regard and respect in all circles.

J. PROCTOR KNOTT, one of the notable jurists, statesmen and law teachers of the state, was born in Marion county, on the 29th of August, 1830, a son of Joseph Percy and Maria (Irvine) Knott, and brother of William T. Knott, a distinguished geologist, scientist and educator. Endowed by nature with superior intellectual ability, which has been fostered by continued research in the fields of knowledge, J. Proctor Knott fitted himself for life's practical duties and to assume the honors which his fellow citizens have conferred upon him. He obtained a common-school education, but through his own reading and study outside the school-room he obtained information far in advance of that which was imparted in the course afforded him, and was enabled to accept the professorship of natural sciences in the Lebanon Seminary. Seeking the broader field of legal practice, where the most diversified knowledge is a necessity, he mastered the principles of law, was admitted to the bar and was soon in command of a liberal clientage in Lebanon.

Mr. Knott removed to Missouri and won further successes at the bar of that state. In 1857 he was elected to the Missouri legislature, and in 1859 was appointed attorney-general of that commonwealth, and later elected to that office. In 1860 he was a delegate to the Democratic national convention. During the period of the Civil war he administered the important duties of attorney-general up to 1863, when he returned to his old home in Lebanon, Kentucky. In 1867 he was elected to represent his district in congress, where he served continuously until 1871. In 1875 he was again elected to the office and remained a member of the house until 1883. In congress he was chairman of the judiciary committee, and his service in that capacity won him national reputation as a lawyer. His celebrated "Duluth speech" has never been surpassed for satire and humor, and has given him greater notoriety than any other effort delivered in congress.

In 1883 Mr. Knott was elected governor over Thomas *Z.* Morrow, and for four years occupied the executive mansion, administering the affairs of state in a manner alike creditable to Kentucky and its citizens. He was instrumental in securing several needed reforms, in introducing a number of improvements, and his administration was an era of progress and prosperity in the history

of the state. In 1890 he was a delegate from Marion county to the convention which framed the present constitution, and left the impress of his individuality upon the statutes of the state. He is now dean of the faculty of the law department of Center College, of Danville, and no lawyer in Kentucky stands higher on constitutional authority than Governor Knott.

ROBERT J. BRECKINRIDGE, of Danville, was born in Baltimore, Maryland, September 14, 1834, and is connected with families that have furnished to the nation some of its most gifted and prominent men. His grandfather, Hon. John Breckinridge, was United States senator from Kentucky, and served in the cabinet of President Thomas Jefferson, as attorney-general. The father of the judge, Rev. Robert J. Breckinridge, was born in Fayette county, Kentucky. He married Ann Sophonisba Preston, daughter of General Francis Preston, of Virginia, and a granddaughter of General William Campbell, who commanded the American forces at the battle of King's mountain, in the Revolutionary war, and whose wife was a sister of Patrick Henry, the celebrated statesman, whose eloquent, inspiring words did much to nerve the patriots to strike for liberty in the memorable year of 1776.

Judge Breckinridge, of this review, was a lad of eight years when his father returned to this state. He acquired a liberal education, as a student in Transylvania University, in Center College and in the University of Virginia. He was afterward connected with the United States coast survey for two and a half years, and, with the determination of making the practice of law his life work, entered the Lexington Law School, where he was graduated with the class of 1856. Removing to St. Louis he entered upon his chosen calling, wherein he has won an enviable reputation. After two years spent in Missouri he returned to his native state and and was elected city attorney of Lexington, being numbered among the most able members of the bar in Kentucky. Deeply interested in the political issues which involved the welfare of the nation, he became a leader in the ranks of the Democracy, and in 1860 was actively engaged in campaign work, canvassing the state in the interest of his relative, John C. Breckinridge, Democratic candidate for president of the United States.

The period of the war followed and Judge Breckinridge espoused the cause of the south, which had always been his home, advocating those principles with which he had been familiar from his boyhood. In Lexington, at the opening of the struggle, he recruited one of the first companies that entered the Confederate service, and on the 4th of July, 1861, was sworn into the Second Kentucky Infantry, Confederated States of America, at Camp Boone, Tennessee. The following year he was elected by the Kentucky soldiers to a seat in the Confederate congress, where he served as a legislator until 1863, when, feeling that he could do more for the government by active duty in the field, he resigned his position, once more joining the army, where he was engaged until made prisoner in March, 1865. At the close of the war he located on a farm in Lincoln county, while his attention was devoted to the practice of law in that and adjacent counties. He continued to make his home there until 1874, when he removed to Danville, where he has since resided.

Judge Breckinridge has been twice married. In his early manhood, in the year 1856, he wedded Miss Kate D. Morrison, daughter of Moses B. Morrison, of Lexington, Kentucky. His second marriage occurred in July, 1889, when he wedded Miss Lilla A. Morrison.

The professional career of Judge Breckinridge has been one of constant advancement and he has gained marked prestige in the trial of criminal cases, being regarded as one of the most able trial lawyers in the entire state. He marshals his evidence with the precision of a military officer. He does not lose sight of the smallest detail, while giving to the major points their due proportion, and his deductions follow each other in logical sequence. He is also regarded as one of the leading exponents of Democracy in the state. He served as a delegate to the national convention in 1868, and in 1876 was elected on that ticket as judge of the common-pleas court in a district composed of eight counties; in August, 1889, he was elected to the state senate from the eighteenth district. A contemporaneous history says in regard to his political adherence: "A Jeffersonian Democrat by inheritance, Mr. Breckinridge is in all of his convictions thoroughly imbued with the tenets of that political school. Never deviating therefrom, he has on all occasions possessed and manifested the courage of those convictions, whether as one of the most consistent members of the Democratic party or as an officer of the commonwealth. An unflinching friend of the people, a foe to caste and privilege, he is a Democrat by birth and instinct, by creed and practice, by loyalty to his party, by love for its traditions, by faith in its destiny." Though his life has been one rather of modest reserve than of ambitious self-seeking, he has shown himself a peer of the brightest men of Kentucky; he richly inherits the gifts of intellect and oratory of a family which has added luster to the pages of state and national history through successive generations for over a century. In person, in character and in talents, he is a worthy representative of his race.

JOSHUA FRY BELL was born in Danville, Kentucky, November 26, 1811, and died there August 17, 1870. He was one of the distinguished lawyers of the state and a man of splendid intellectual endowments who played a very important part on the stage of Kentucky's public life about the middle of the century. He was graduated in 1828, when only sixteen and a half years old, at Center College, Danville, then under the presidency of Rev. John C. Young, D.D. He studied law in Lexington, after which he spent several years in Europe gaining that culture and knowledge which only travel can impart. When a young man of twenty-two he returned to his native land and began the practice of law in Danville, where he soon secured a distinctive *clientele*. He zealously continued his professional labors through his life and was a leader of the Danville bar.

Political honors were conferred upon him and he served as a member of the lower house of congress from 1845 to 1847. He was secretary of state in 1850, under Governor John J. Crittenden, and made a remarkable race as the opposition candidate for governor in 1859, but was defeated by Governor Magoffin. In the Kentucky legislature, by a unanimous vote in the senate and by a vote of eighty-one to five in the house, he was chosen one of six com-

missioners to the peace conference at Washington city, in February, 1861, and there pleaded most earnestly for "peace between embittered and hating brothers." On the 19th of March, 1863, he was nominated by the Democratic state convention for governor, receiving six hundred and twenty-seven votes against one hundred and seventy-one for Acting Governor James F. Robinson, but was defeated by Thomas E. Bramlette.

CHARLES ALFRED HARDIN, of Harrodsburg, was born in Columbia, Kentucky, May 8, 1836. His common-school education was supplemented by a course in Center College, Danville, where he was graduated in the class of 1856. He studied law in his father's office and in 1857 was admitted to the bar, after which he engaged in practice in Georgetown, Missouri, until the beginning of the Civil war, when he entered the Confederate service in the command of General Price; he remained in the army until 1863. In that year he was taken ill and was captured by the federal authorities, but was released on parole on securing a surgeon's certificate that he was disabled from further military service. He then went to Harrodsburg, Kentucky, where he has since made his home and his life has been passed in the practice of law. The superior legal ability which characterizes the family seems to have been inherited by him, and in the field of both civil and criminal practice he has won enviable successes. Endowed with ability and ambition, he entered boldly in the struggle and has made for himself a high place in the professional world. He is one of the best all-around lawyers in his section of the state. In many important litigated cases he has shown skill, learning and ability of a high character. He has at all times in view the interests of his clients and acts upon the belief that a lawyer must, in every instance, subordinate his own interests to those of his principal.

In 1875 Judge Hardin was a candidate before the congressional convention of the Democratic party for nomination; and in 1880 was elected circuit judge for a term of six years on the Democratic ticket. On the expiration of that period he declined a renomination and has since been a candidate for no office. His course on the bench was most commendable and won hearty endorsement from the members of the bar. His rulings were most fair and impartial, and his opinions were based upon the evidence in the case and the law applicable to it. A diligent student from the beginning of his professional career, he has acquired a profound knowledge of law, which a well-disciplined memory places absolutely at his command. He is regarded as the equal of the best of his colleagues at the Harrodsburg bar. There is an ease and method in his pleadings which give them great effectiveness and stamp him as a master of his profession. On the bench he found his clearness of perception, his faculty for logical analysis, his familiarity with precedent and his methodical habits of the highest value, enabling him to unravel the most complicated cases, arrive quickly at important decisions, and dispose of the business of the court with dignity and celerity.

Judge Hardin married Miss Jennie Magoffin, daughter of Colonel Ebenezer Magoffin, of Pettis county, Missouri, a prominent figure in the Civil war in that state. Mrs. Hardin is also a niece of Beriah Ma-

goffin, one of Kentucky's governors. He has two sons, Charles A. and E. Magoffin, who are now practicing attorneys of Harrodsburg, following in the footsteps of the illustrious family from which they are sprung.

WILLIAM WORTH STEPHENSON, of Harrodsburg, was born in Madison county, Kentucky, October 24, 1857, and is descended from English ancestry. His great-grandfather, Thomas Stevenson when a young man, came to America with his four brothers and took up his residence in Philadelphia, but in May, 1749, removed to Orange county, Virginia, where he accumulated considerable property interests, both in lands and slaves. His brothers, James and John, also settled in the Old Dominion. He served in the southern division of the continental army during the war of the Revolution. He wedded Miss Mary Hawkins and raised a large family of children, namely: James, John, Joseph, Nathan, Nicholas, Thomas, Mrs. Catherine Patton, Betsey, and Mrs. Nancy Long. He was a second cousin of Hon. Andrew Stevenson, speaker of congress from 1827 to 1835, and minister to England from 1836 to 1841.

Joseph H. Stephenson, grandfather of our subject, was born in Orange county, Virginia, November 6, 1771, and when a young man came to Kentucky. In 1798 he purchased a farm and settled in Madison county, where he spent the remainder of his life and reared a large family, having married Miss Mary Tribble, daughter of Rev. Andrew Tribble, a pioneer preacher. Joseph H. Stephenson changed the spelling of the family name, substituting "ph" for "v," for he was convinced by a learned educator that it was logically correct, being derived from Stephen.

Dr. Andrew T. Stephenson, father of W. W. Stephenson, was born February 23, 1821, pursued a course of lectures in Transylvania University, of Lexington, in 1846–7, graduated at a medical school in Ohio in 1848, afterward attended Jefferson Medical College, of Philadelphia, and the Bellevue Hospital College, of New York, and enjoyed a very large practice until 1860, when failing health compelled him to abandon his profession. He married Elizabeth Ann Smith, a daughter of Benjamin and Judith Smith, and to them were born five children —Mattie, Mary A., William Worth, Julia (who married Mr. C. M. Kurtz, of New York), and Elizabeth (who married Mr. W. B. Nelson, of Lexington, Kentucky).

Benjamin Smith came from Culpeper county, Virginia, and settled in Madison county, where he accumulated a large fortune.

After attending the best schools of Harrodsburg, William Worth Stephenson, in 1876, entered the College of Arts, of Kentucky University, in Lexington, where he was a student two years. In 1879 he was graduated in the classical department of Bethany College, of West Virginia, with the first honors of his class, a distinction never before conferred upon a student who had been there only one year. Upon his return home he became the principal of the Harrodsburg Academy, and continued to teach for a few hours each day, the second year, while pursuing his law studies in a class under the direction of Hon. T. C. Bell. He was admitted to the bar in May, 1881, since which time he has devoted his attention to the study and practice of law. His clientage is extensive, and the impor-

tant character of his cases indicates his ability for the profession which he has chosen. In 1884 he became business manager and editor of the Harrodsburg Democrat. He is an expert stenographer, and finds this knowledge a great aid in his legal work. He is also interested personally in agricultural pursuits and all that pertains to the great body of land owners, having for many years superintended a large farm.

In politics Mr. Stephenson has won a prestige that places him among the leading men of Kentucky. He was elected by a handsome majority to the legislature as the representative from Mercer county, in August, 1889, and was highly honored by the speaker of the house by being placed on a number of the most important committees. In the session of 1889–90 he was made chairman of the committee on codes of practice, comprising many of the best lawyers of the house. He was also a member of the committees on general statutes, constitutional conventions and two special committees. His legislative career was a success, and by his efficiency he fully met the hopes and expectations of his friends and his constituency. He was recognized as a valued member of the house by reason of his close attention to every detail of the public business, and his characteristic energy in thoroughly posting himself upon all matters brought before the assembly. His powers of oratory were effectively used in support of different measures, and his clear, concise and logical speaking was an influential power in behalf of any object which he championed.

So acceptably did he discharge his duties that he was re-elected in 1891, and in the sessions of 1891–2–3 served on the judiciary and four other other important committees. In the session of 1892 he was the author of a number of important acts, among them the Stephenson revenue bill, which was passed after the veto of the revenue bill by the governor, and the re-convening of the legislature in a called session, to make all property subject to taxation pursuant to the provisions of the new constitution. This was passed as an emergency measure in the short time of fifteen days, and the state was thus saved several hundred thousand dollars.

Mr. Stephenson was one of the prominent members of the house during the session, and on the expiration of his term of service was elected to the state senate in the fall of 1893, from the Twentieth district, comprising Anderson, Franklin and Mercer counties. He received a majority of sixteen hundred over his Republican opponent and was one of the youngest members of the senate. As in the house, he at once took prominence among the leaders, and in the session of 1894 was elected without opposition chairman of the senate Democratic caucus and joint caucus, was chairman of the committee on public offices and library, and a member of the committee on general statutes, rules, etc. Four bills and three joint resolutions introduced by him have become laws. One of these is an act on voluntary assignments, which passed the senate unanimously and almost unanimously in the house. To him is due a large share of the credit for the passage of the "husband and wife bill." In the session of 1896 he was again elected chairman of the senate caucus and joint Democratic caucus, was chairman of the committee on corporations, and after the death of Hon. Rozel Weissinger was chairman of the committee on general statutes, also a member of the committee on

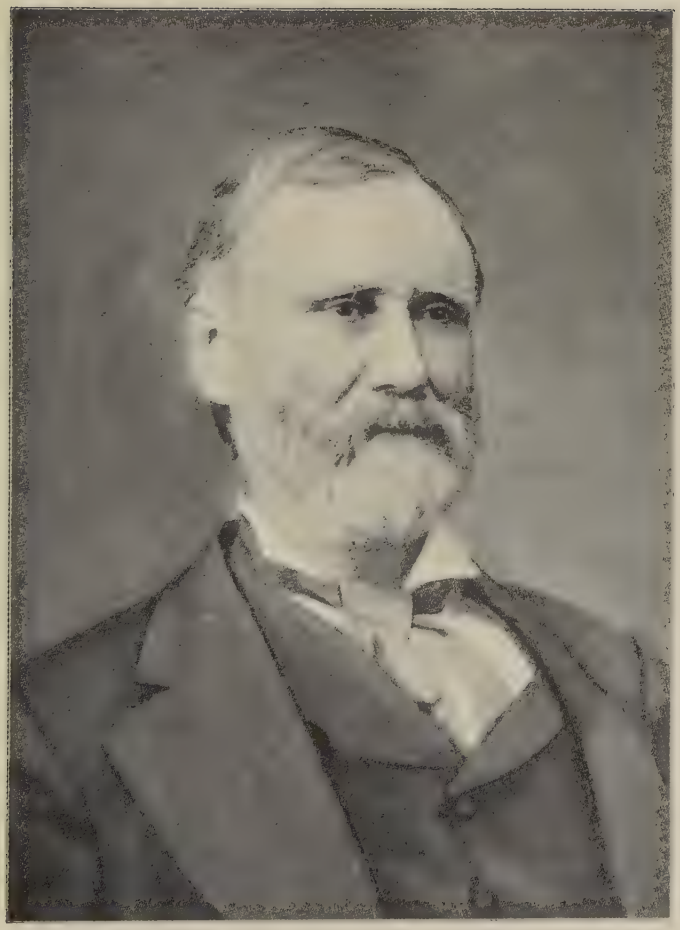
rules, constitutional amendments, banks and insurance, library and public offices.

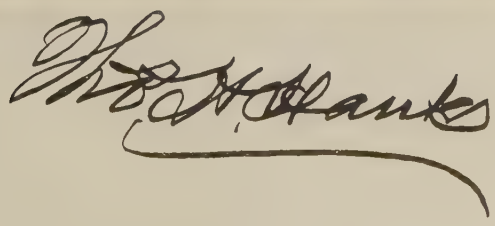
In politics Mr. Stephenson has always been an earnest supporter of the Democratic party. He very early took strong ground in favor of sound money and against the free and unlimited coinage of silver. Being a delegate to the commercial congress at Kansas City, in 1891, he was on the committee on resolutions and there strongly opposed a free-coinage resolution. He declared his opposition to the Chicago platform in an interview the day following the nomination of W. J. Bryan, and was elected as district delegate to the convention of National Democrats at Indianapolis in 1896, and was secretary of the Kentucky delegation to that convention.

Mr. Stephenson is a member of Warren Lodge, No. 53, F. & A. M. He is numbered among those who have won honorable distinction in connection with the affairs of the commonwealth, and is regarded as one of the illustrious characters at the bar of the state. Along with those qualities indispensable to the lawyer—a keen, rapid, logical mind, plus business sense and a ready capacity for hard work—he brought to the starting point of his legal career certain rarer gifts—eloquence of language and a strong personality. An excellent presence, an earnest, dignified manner, marked strength of character, a thorough grasp of the law, and the ability to accurately apply its principles, are factors in Mr. Stephenson's success. He actively interests himself in public affairs and participates earnestly in any effort to propagate a spirit of patriotism and of loyalty to American institutions, and does all in his power to promote the welfare of the grand old commonwealth, his native state and his life-long residence.

THOMAS HOLMAN HANKS, of Lawrenceburg, one of the most eminent jurists of Kentucky, and known as the "patriarch of the Kentucky legislature," was born in Anderson county, near the city which is now his home, November 6, 1823. His father, Turner Hanks, who was a farmer, married Nancy Holman in the year 1820, which union was blessed with five children, four sons and one daughter: William Taylor; Thomas Holman, the subject of this sketch; Reuben A.; Francis Marion and Mary Jane,—all of whom, respectively, lived to manhood and womanhood. Turner Hanks moved from his Virginia home to the newly created state of Kentucky, in 1800, and aided in the noble work accomplished by the pioneers in opening up the way to civilization and transforming a wild region into the place of habitation of a contented and prosperous people. The Hanks family is of Scotch origin, and the grandfather, George Hanks, who resided on the Potomac river in Roanoke county, Virginia, joined the colonists in their attempt to throw off the yoke of British tyranny and establish the American republic. Heroically he followed the fortunes of his command until the army reached Yorktown. There his death occurred, his life being given as a ransom to the cause of liberty.

The educational privileges which Thomas H. Hanks received were those afforded by the public schools of his native county. His initiation into business life was through a clerkship in a mercantile establishment. Later he received the appointment of clerk in the circuit court, and while thus engaged he took up the study of law, pursuing his reading under the direction of George W. Kavanaugh, of Lawrenceburg. He was admitted to the bar in 1863 and for twenty-





four years continued in the active practice of his chosen profession, wherein he won honorable distinction and marked prestige. He was a careful student, close reasoner and logical thinker, and in his analysis of a case he left no point untouched, but brought each one to bear with its full force upon the question in controversy. He was a lawyer of high rank, learned in his profession, a powerful advocate and a most persuasive speaker. The success which he attained was due to his own efforts and merits. The possession of advantages is no guaranty whatever to professional success, which comes not of itself, nor can it be secured without integrity, industry and ability. These qualities Mr. Hanks possesses to an eminent degree, and he was faithful to every interest committed to his charge. During the years of his active connection with the bar he was retained on most of the important litigation of his county and circuit, and in many criminal trials his eloquence and resourcefulness availed in saving his clients from undue punishment. His ability as a lawyer and orator is second to none.

From early manhood Mr. Hanks has been prominent in the affairs of state. When but twenty-five years of age he was elected to represent Anderson county in the Kentucky legislature, serving in the session of 1849–50. He spent the two following years in California and after his return was elected clerk of the circuit court, in which capacity he served from 1856 until 1862. In 1881 he was again elected to the general assembly, a third time in 1886, and again in 1892. In the meantime he served as county attorney from 1863 until 1867. He has served in the legislature under three different state constitutions, was chairman of the committee on suffrages and elections and was a most able, conscientious and indefatigable worker on other important committees. He represented Anderson county in the constitutional convention of 1890 and was a member of the house during the two succeeding sessions, when the most important legislative work of the state was accomplished. It is an important public duty to honor and perpetuate as far as possible, the life of an eminent citizen,—one who by his blameless, honorable and distinguished career has reflected credit not only upon his city and county but upon his state as well.

In this country no man is born to public office or to public honor, and the race for distinction is over the road of public usefulness. They who reach the goal are men of strong mentality and honorable purpose, who subordinate personal ambition to public good and seek the benefit of others rather than the aggrandizement of self. Mr. Hanks is an illustrious example of this class. No man has ever been more respected in Anderson county or better deserved the esteem and confidence of his fellow men.

In 1858 Mr. Hanks was united in marriage to Miss Margaret R. Myers, of Anderson county, daughter of Silas M. and Sarah H. Myers. She was a woman of domestic tastes, loving and kind, living for her home and her husband and for the good she might accomplish. She died in 1896, and the entire community mourned the loss of one whom it had known and honored through many years.

THE RICHMOND BAR.

BY FRENCH TIPTON.

RICHMOND is the county seat of Madison, but Milford was the original seat, while Boonesborough was the first town, not only in Kentucky but also west of the Alleghanies. Boonesborough was the cradle of lawyers and law-making in the Ohio valley.

Two lawyers, Judge Richard Henderson and John Williams, respectively president and secretary of the Transylvania Colony Company, which bought from the Cherokee Indians that vast territory bounded by Kentucky, Cumberland and Ohio rivers,—came from North Carolina in 1775 with the Boone expedition to build a fort and found a colony.

In the month of May a legislature, composed of delegates from the several settlements then in Kentucky, assembled at Boonesborough, Thomas Slaughter, chairman, and Matthew Jouett, clerk, and nine laws were enacted. Thus was the beginning of lawyers and law-making in the Ohio valley.

Kentucky became a county of Virginia, and her representatives in the legislature made long and perilous journeys to Williamsburg, then the capital. The route lay by way of Cumberland Gap, across the Blue Ridge and the Alleghanies, and down the James,—hundreds of miles, and a great part of the way beset with savages and wild beasts. Colonel Richard Calloway, John Todd and Nathaniel Henderson were the representatives from Boonesborough. With the dissolution of their company, Henderson and Williams removed. As there was little law to practice, there were no lawyers. Really there were but two professions,—fighting Indians and acquiring lands.

In 1786 Madison county was organized,—a great region extending from Kentucky river to Cumberland Gap,—one hundred miles long by fifty wide; but there was not a lawyer; and the representatives continued to traverse the wilderness to Virginia till 1792, when Kentucky became a state. Those who braved the dangers to represent the new county in the legislature of the mother state were Green Clay, Thomas Kennedy, John Miller and Higgason Grubbs, who, like Callaway, Todd and Henderson, were valiant defenders of pioneer homes and men of no mean abilities. Clay became a brigadier-general in 1812, and was the largest land owner in the county. Callaway and Todd were men of note. Kennedy was wealthy and prominent. Miller was the founder of Richmond. Grubbs was one of the foremost politicians of his county.

The town of Milford was established and remained the county seat till 1798. Lawyers from other sections, such as the distinguished Thomas Todd and Governor Christopher Greenup, came to court at Milford.

The court of quarter sessions was established in 1787. A grand jury of sixteen was empaneled "for the body of the county, and having received their charge retired to consider of their presentments." The first judgment recites that "the defendant being duly summoned was solemnly called, but came not; therefore judgment is granted the plaintiff for fourteen shillings and his costs."

Finally Reuben Searcy, a citizen of the old Boonesborough vicinity, was granted by the court of quarter sessions a certificate of "honesty, probity and good demeanor," and "recommended to the judge of the supreme court as a proper person to practice law in this and the inferior courts." Early in the following year Mr. Searcy produced in the court a license, and was admitted to the bar. In this year Bennett Searcy was admitted to practice. The Searcys evidently emigrated soon thereafter. Their family came with Henderson, to whom they were related, and were sagacious pioneers.

In 1791 James Dougherty appeared at the bar, but nothing is known of him, or of Thomas Davis, who came about the same time.

With the removal of the county seat in 1798 from Milford to Richmond, began the continuous bar. In that year Peyton Robinson was admitted to practice. He was of a wealthy, but litigious family, and did not always obey the laws that the law presumed he knew, for the records show that subsequent to his appearance at the bar he was indicted for "profane swearing." In those old days indictments for profanity were frequent. One was for saying "Damn your dog." Robinson practiced with varying success for a number of years.

Thus the beginning of this century found Richmond with only the nucleus of a bar. The courts of oyer and terminer, of quarter sessions and the county court had been managed mainly by the justices of the peace. Visiting attorneys, such as Thomas Todd, Christopher Greenup, Samuel Woodson, William T. Barry, John Boyle, George M. Bibb, John Pope and William Owsley, subsequently distinguished in law and politics, now supplied the needs of litigants.

In 1801 Martin D. Hardin secured license to practice and entered at once upon a brilliant career. He soon became prosecuting attorney at the then large salary of forty-two pounds; was elected to the legislature in 1804–5; located at Frankfort, became secretary of state and United States senator. While in Richmond his cousin, Ben Hardin, read law with him, removed to Bardstown and became a famous lawyer.

The courts of oyer and terminer and of quarter sessions having disappeared, the circuit court was instituted, in 1803.

Archibald Woods and Rodes Garth were admitted to the bar in 1807. Mr. Woods practiced with success here, and also in San Francisco, where he died. Mr. Garth's chief work was a motion in the county court to have brought to town the county clerk's office, which had from the beginning been at the home of Colonel William Irvine, its first and to that time only clerk, two miles in the country. He removed to Wayne county, was elected to the legislature, the state senate and other responsible places.

Captain Robert Sturgus was admitted in 1809. His talents were diversified, and, when not engaged at the law or with his farm, amused himself with carving bas-reliefs in his native limestone. In the dining-room of his residence, which room is yet intact and forms part of a splendid modern

home, the jamb rocks are ornamented with a bunch of cigars, flowers, a heart, etc. He was captain of a company of mounted volunteer militia, Colonel South's regiment, General Green Clay's brigade, in the war of 1812.

Henry Starr removed soon after coming to the bar.

In 1815 Squire Turner and Daniel Breck were admitted. They were followed in 1818 by William H. Caperton, and soon thereafter by John Speed Smith. These formed a quartet whose influence in law, politics and other fields permeated the entire state, and extended even beyond. They had no superiors in any four lawyers in any town in Kentucky, and were in every important case not only at the Richmond bar but often in adjoining counties and beyond. Their advent to the bar excluded visiting lawyers, and succeeding generations have maintained that standard.

Judge Daniel Breck was a native of Massachusetts, educated at Dartmouth, and came with a diploma, an unusual acquirement for Kentucky in those early days. He went to the legislature many times and became the father of internal improvement in the state. Went to congress, was judge of the court of appeals, grand master of the Masonic grand lodge of Kentucky, filled many other distinguished positions, and was a successful banker. He married Miss Jane Todd, of Lexington, a sister of Robert Todd, who was the father of President Lincoln's wife.

Major Squire Turner was a native of Madison county, came of old Virginia stock, and his education was not complete but he possessed great ability and boundless energy. The year 'round, sunrise found him at his office. He was in the war of 1812, and for a time thereafter associate editor of the Farmers' Chronicle. Was not eloquent, yet a speaker of considerable strength. He amassed the largest fortune from his practice of all lawyers ever at the Richmond bar. Was thirteen years in the legislature and had more to do with making the statute laws than any other man in his day. He lived to advanced age and continued to practice after paralysis had confined him to his room. Once he went to Lancaster to prosecute a dangerous man. His speech was bitter. At noon, while going from the court-house to the hotel, the man tried to insult him by abusive language. "Major, why don't you knock that fellow down?" asked a friend. "Why, I have not been introduced to him," was the Major's reply.

Colonel William H. Caperton was a native of Madison county, and in the war of 1812. He was a profound lawyer and possessed marked eloquence. A Kentucky historian wrote of him that his speech in a felony case, transferred from Madison to Fayette — Lexington — Henry Clay on the opposing side, was the finest forensic effort ever heard in Ashland's historic capital. He never sought office, but was in the legislature, and was United States district attorney.

Colonel John Speed Smith was a native of Jessamine county, but removed early to Madison, was on the staff of General Green Clay at Fort Meigs and subsequently aid to General William H. Harrison at the Thames. Married a daughter of General Clay; was elected to the legislature, the state senate, to congress, and was grand master of the Masonic grand lodge of Kentucky. Was wonderfully eloquent and responded to requests from all the country around for orations on great occasions. Was the father

of General Green Clay Smith, minister, soldier and statesman, and of John Speed Smith, representative, senator and grand master.

In the 'teens came Peter Taylor and Thomas Shelton, men of ability, but whose careers were brief.

In the '20s appeared Solon Miller, Thomas J. Gentry, Richard Apperson, Edmund L. Shackelford, William C. Goodloe, John White, John B. Gordon, Waller Chenault, Benjamin Bennett, Henry B. Hawkins, Archibald W. Turner, Dudley Curle and John Briscoe.

Solon Miller was a bright young lawyer, but affliction early overtook him. Gentry was a farmer and member of the legislature. One day he made a terrific speech against a man, while circuit Judge Shannon, of Woodford, was presiding. Shannon had a wooden leg. The ferule was loose and at times slipped nearly off, looking like the muzzle of a big horse pistol. The judge sat with his leg thrown over the desk, and directed toward Gentry's back, who was facing the jury. Closing with a flourish of eloquence he turned suddenly and the muzzle of Shannon's leg protruded almost into his face. Thinking it was a gun he exclaimed, "Great God! don't shoot me; I am not armed." Apperson removed to Mount Sterling, and was a delegate to the constitutional convention of 1849. Shackelford was county attorney, member of the legislature, and a successful banker. Goodloe was a native of Madison, a graduate of Transylvania, married a daughter of Governor Owsley, and for thirty years was judge of the circuit court, which circuit included Fayette and other blue-grass counties. White came from Tennessee, was an ardent Whig and elected to congress in 1835, where he served with great distinction for ten years, being speaker of the house for one term. Bennett and Gordon removed to Missouri, and succeeded in the profession. Chenault was educated and eloquent, but never practiced. Was elected to the legislature and was one of Madison's most successful farmers and traders. Hawkins was a scholarly man, taught some time, removed to Missouri and practiced with success. Turner was a brother of Major S. Turner; removed to Boone county, Missouri, and was elected state senator. Curle removed to New York, thence to Baltimore, thence to Washington, and finally died in Pennsylvania on his way west. Briscoe removed to Mississippi.

During the '30s there came to the bar Robert M. Bradley, M. H. Stone, Marcus A. Turner, Bradley Burr Meeker, James W. Clark, Robert R. Stone and Stephen Noland.

Bradley was a native of Madison. He possessed much native ability; removed to Lancaster and became a noted land lawyer. He was the father of Governor William O. Bradley. M. H. Stone died young. Turner removed to Missouri and died. Meeker came from Connecticut, possessed scholarly attainments, taught school here. He returned to the east and was appointed United States judge for the district of Montana. Clark went into the ministry. R. R. Stone early abandoned the law for banking. Noland came from Estill county a poor boy, limited in education and opportunites, but energy and ability brought him up in the world. He married a sister of the subsequently distinguished associate justice, Samuel F. Miller, of the supreme court of the United States, became a prominent lawyer, commonwealth's attorney, a noted Methodist divine, and a successful banker.

Since the beginning of the '40s many

prominent names have been added to the long list of members of the Richmond bar.

Thomas Turner was a son of Major S. Turner, graduated at Center and Transylvania, was a gallant officer in Mexico, removed to Mount Sterling, went to congress and continues to practice.

Robert R. Harris graduated at Transylvania in the class of United States Senator James B. Beck, was a man of ability, and elected to the legislature, but retired to a cabin in the country and lived there many years, until his death.

James C. Stone commanded a company of mounted infantry in Mexico, abandoned the law for banking, and is now a prominent citizen at Leavenworth, Kansas.

David Irvine Field graduated at Yale in 1841, later at Transylvania, and practiced for a time. He became wealthy as proprietor of stage-coach lines, went to Mississippi and engaged in planting. Mr. Field, then a rich bachelor, was seated in front of the Phoenix hotel in Lexington one day, and by him sat Rev. John Brown, a Presbyterian minister from Richmond. He asked Field why he had never married. Field replied that he had never had time, and was not acquainted with any ladies. Mr. Brown mentioned an accomplished Lexington lady, advised Field to marry her and proposed an immediate acquaintance. They proceeded to her home, and after the introduction Mr. Brown retired. Field stated briefly his mission, referring to a banker friend, and, giving her twenty-four hours for consideration, returned to his hotel. She accepted!

Thomas F. Stone was a man of promise, but filled an untimely grave.

Richard Runyon was a brilliant lawyer, but death cut short his career.

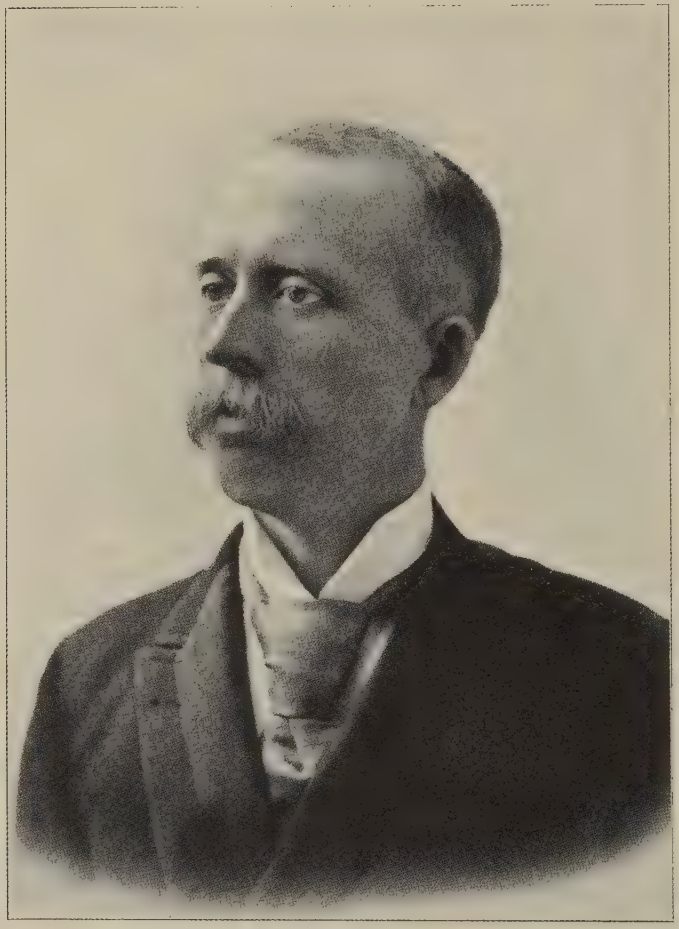
Henry T. Allison was a member of the legislature and died early.

William M. Irvine's father, David, and his grandfather, William, held the office of county clerk for fifty years. The latter was a prominent pioneer. Mr. Irvine was educated at Transylvania and Harvard, quit the law for farming and banking, and died one of Madison's wealthiest men.

Curtis Field Burnam is a native of Madison, a graduate of Yale, has been several times a member of the legislature, assistant secretary of the United States treasury, a member of the last constitutional convention, a banker, a man of letters and of wealth, and has one son a judge of the court of appeals, another is county judge, still another is a member of the legislature, a fourth is a prominent business man, and the fifth a banker.

James W. Caperton, like his distinguished father, has never sought office, but adhered strictly to the law, with farming and banking as diversions, having long been a bank president. He is wealthy and a power behind the throne in local politics; was delegate to the last St. Louis national convention. His ancestors were pioneers.

Edward W. Turner was a son of Joseph Turner, many years editor of The Farmers' Chronicle, and himself editor of the Mountain Democrat. Though his father was a Whig, he was a Democrat, and that when there were only seven in Richmond. He graduated at the Louisville Law School, was county judge, state senator, member of the legislature, speaker of the house; grand master of the Masonic grand lodge of Kentucky and grand master of the Odd Fellows' grand lodge of Kentucky within the same year, the only instance of the kind on record. He died a bachelor.



Sir Thomas Lipton

Cassius M. Clay never practiced. He edited an anti-slavery paper, was captain in the war with Mexico, member of the legislature, major-general in 1862, and minister to Russia.

William H. Hatch removed to Hannibal, Missouri, became a distinguished member of congress, and died in 1896.

James H. Embry became county judge, removed to Washington city, and is a successful practitioner.

Charles H. Breck, son of Judge Daniel Breck, graduated at Center College, was a Confederate soldier, then county judge and is now in active practice.

James B. McCreary is the wealthiest and most distinguished member of the present bar, speaker of the Kentucky house of representatives, governor of Kentucky, and member of congress for twelve years.

F. M. Green graduated at Harvard, but quit the law and became proprietor of the Register, which paper he successfully edited for more than twenty-five years.

William C. Miller, great-grandson of Colonel John Miller, founder, and, as the old records style him, "proprietor of the town of Richmond," was a Harvard graduate, a dozen years county judge and a man of ability, but died early.

Robert E. Little was a brilliant young lawyer who went to the legislature, but death claimed him early.

William Chenault graduated at Dartmouth and Harvard, was professor of law in Central University, president of the Louisville Law School, and is now practicing in Richmond.

John Bennett adheres closely to the law, going to the state senate occasionally, and is president of a bank.

W. B. Smith is a Bethany graduate, was president of a female college, member of the legislature and the only successful Bryan elector in Kentucky.

A. R. Burnam is an Ann Arbor graduate, was collector of internal revenue for the eighth district and recently elected judge of the court of appeals.

C. J. Bronston was educated at Kentucky University and University of Virginia, became commonwealth's attorney, removed to Lexington, was delegate to the constitutional convention, and is now state senator.

Thomas J. Scott was county attorney, judge of the common-pleas court, and is now judge of the circuit court and ranks with the best lawyers of Kentucky.

The Richmond bar, besides those already mentioned, consists of a number of young men whose talents and energy will enable them to maintain the high and enviable position it has always held among the bars of the state.

FRENCH TIPTON, LL. B., of Richmond, was born near the historic town of Boonesboro, and is a son of Darius B. Tipton. His grandfather, Jabez Murray Tipton, and his great-grandfather, John Tipton, though of English ancestry, were patriots in the Revolutionary war, and removed from Maryland to Kentucky in the latter part of the pioneer period.

French Tipton attended the Madison Male Seminary, of Richmond, and for five years thereafter devoted his time to educational work. He was also secretary of the Madison county teachers' institute, and was the first graduate of Central University, completing the course in 1875. The degree of LL. B. was conferred upon him, and he became a member of the Richmond bar.

He served as judge of the city court, and in the practice of law displayed ability of a superior order, but the field of literary effort has proved more attractive to him than the contests of the forum, and he has won distinction as a correspondent, contributor to and editor of various periodicals and journals. He is a man of scholarly tastes, whose researches in the fields of literature have been varied and extensive. In travel, too, he has found a prolific source of information, and in the interests of his journalistic work he has visited Europe, Mexico, Manitoba and all sections of the United States save the Pacific slope. He has contributed many able articles to leading journals and was a member of the staff of the Courier-Journal, of Louisville. He has also for a number of years been editor of the Register, of Richmond, which was established in 1866. He has been a delegate to the National Editorial Association, associate editor of its organ, the National Journalist, and is a member of the Kentucky Press Association. Mr. Tipton has now in preparation a history of Madison county, also a volume which will contain the lives of Daniel Boone, Kit Carson and other prominent frontiersmen connected with Madison county, which will prove an important addition to the historical literature of Kentucky. Mr. Tipton is a fluent, graceful writer, a master of the art of rhetoric, and at the same time his productions show a force and clearness and depth of thought which at once appeal to the intelligent and analytical reader.

In benevolent and society circles Mr. Tipton is prominent. He belongs to the Masonic fraternity, is past chancellor of the Knights of Pythias lodge and deputy grand chancellor of the state; for five years was secretary of the Madison Club, and also belongs to the Filson Club, a historical society of Louisville for the promotion of historical knowledge and which has on its rolls the names of many of the most distinguished men of the state.

His church relationship is with the Episcopalian denomination. His wife was formerly Miss N. Marie Stuart, of Winchester.

CURTIS F. BURNAM, who for fifty-five years has been a member of the Madison county bar, was born in Richmond, Kentucky, on the 24th of May, 1820. His ancestral history can be traced back to England, whence his great-grandfather, Thomas Burnam, came to America. He located on the eastern bank of the Potomac in Maryland, near Georgetown, now in the District of Columbia; the grandfather, John Burnam, was born in Cecil county, Maryland. One of the heroes of the Revolution, he participated in the memorable battle of Guilford Court House, North Carolina, and after the war removed to Kentucky from North Carolina. Thompson Burnam, father of the gentleman whose name introduces this review, was born near Raleigh, Wake county, North Carolina, February 4, 1789, and at the age of thirteen years entered upon his business career as a clerk in a store in Richmond, Kentucky. He became a prominent citizen, active in the development of the educational and material resources of the community. A stanch Whig, he never sought political preferment, but official honors were frequently conferred upon him, and he was elected to represent Madison county in the state legislature in 1843. In early life he was a successful merchant, but his closing years were spent on a fine farm in Madison county, where he

died May 4, 1871. He married Lucinda Field, who was born on the banks of the Rappahannock in Culpeper county, Virginia, a daughter of John Field, who removed to Kentucky about 1800 and represented Bourbon county in the legislature for a number of terms.

Curtis F. Burnam was liberally educated. He pursued a preparatory course in the Madison Seminary, and graduated at Yale College in 1840, as class valedictorian. His high standing in the university foreshadowed his eminence as a member of the bar. His professional course was pursued in Transylvania University, where he was graduated in 1842. The same year he was admitted to and became a member of the Madison county bar, of which he is now the honored senior. The profession of the law has attracted to it some of the brightest and ablest minds of every age. It has peculiar claims upon men of a certain mental inclination, who, as advocates and ministers of the law, find the life work for which they were intended; for the true lawyer, like the artist and the poet, is not the product of education alone. The beginning of Mr. Burnam's professional career was a test of his personal worth, a worth that was proven by a most satisfactory success which ensued. It was not long before he had secured a large and profitable clientage, which has constantly increased with the passing years, and during his practice of more than half a century he has acquired a broad and varied knowledge of the law which is rarely equaled and still more rarely surpassed.

Three terms Mr. Burnam was elected to the legislature, serving in the sessions of 1851–2, 1859–60 and 1861–2. In the presidential campaign of 1851 he was elector on the Scott and Graham ticket and cast his vote for them in the electoral college. In 1853 he declined to become a candidate for congress on the Whig ticket, although a nomination would have been equivalent to an election. In 1875–6 he was assistant secretary of the treasury under President Grant, and in the absence of Secretary Bristow was acting secretary of the treasury and a member *pro tempore* of the president's cabinet. In 1890 he was made a delegate to the convention which framed the present constitution of Kentucky, and was one of the most active and able members of that honorable body.

In early life a Whig, Mr. Burnam was an unfaltering supporter of the Union during the war and has since affiliated with the Republican party. In the legislature of 1863 he received for thirty-five ballots the unbroken vote of his party for the office of United States senator. His last public service was as delegate to the national Republican convention at Minneapolis in 1892, in which body he was chairman of the Kentucky delegation, and supported Benjamin Harrison as the candidate for the presidency.

Mr. Burnam was married in 1845 to Miss Sarah H. Rollins, of Boone county, Missouri, and on the 6th of May, 1895, they celebrated their golden wedding. For more than fifty years he has been a member of the Calvinistic Baptist church. In 1846 he received from Yale the degree of Master of Arts, and at later dates received from Center College and from Ogden College the degree of Doctor of Laws. In 1884 he was honored by an election as president of the Kentucky Bar Association, which held its annual session in Louisville. He has applied himself assiduously to the practice of his profession, in which he has been retained in a large share of the more im-

portant cases in the higher courts. In 1883, accompanied by his youngest son, he made a trip to Europe, and during his five months' absence from home, passing over England, Scotland, France, Switzerland and Germany, greatly recreated his health, this being his only relaxation from labor and business cares throughout his long career; and now in old age he finds himself happily surrounded by sons and daughters, all of the highest social rank and filling most honorable positions in the community.

JERRY ANDREW SULLIVAN, of Richmond, was born near that city, January 6, 1862, a son of Patrick and Catherine (Brennan) Sullivan. His parents were both natives of county Kerry, Ireland, born near the famous lakes of Killarney, and during childhood came with their respective parents to America. The father died in January, 1864, leaving the mother with seven small children. She died in October, 1890.

Mr. Sullivan, the subject of this sketch, began his education in private schools in Richmond, where he continued his studies until 1876, when he entered the freshman class of Central University, where he was graduated in 1880 with the highest honors of his class. Not long after the completion of his literary education Mr. Sullivan was appointed deputy clerk of the Madison county court and in the discharge of his duties formed a wide acquaintance, while his promptness, fidelity and courtesy made him very popular. His interest in the law being aroused during his service as deputy clerk, he devoted his leisure time to the study of law under the direction of Judge Thomas J. Scott, for many years judge of the circuit and one of the ablest lawyers in the state. Mr. Sullivan subsequently attended the law department of the University of Virginia and was admitted to the bar in September, 1883, since which time he has been an active and successful practitioner of Richmond. From the beginning he has enjoyed a liberal patronage and has been retained as counsel for the prosecution or defense in much of the important litigation that has existed in the county since his admission to the bar.

In 1885 and again in 1890 Mr. Sullivan was nominated for county attorney of Madison county, without opposition, and elected in like manner. At the close of his second term he declined to again become a candidate, preferring to devote his time to his private practice. Since attaining his majority he has been prominently identified with the public interests of Madison county and his public spirit and progressiveness have materially advanced the general welfare. In politics he is a Democrat and was sent as a delegate to the Democratic national convention of 1892, where he supported Grover Cleveland. He holds membership in the Catholic church, and is liberal in his views and charitable toward the opinions of others. He is an indefatigable worker, to which quality he owes much of his success; he is a close student, faithful in the discharge of every duty; in manner he is modest, entirely free from ostentation, but possesses that genuine ability and worth which everywhere command respect.

WILLIAM BROWN SMITH, of Richmond, was born in Madison county, Kentucky, in 1832. His parents, Solomon and Maria (Brown) Smith, were natives of England, and came to America with their respective parents in early youth. The pa-

ternal grandfather, Jasper Smith, crossed the Atlantic in 1821, taking up his residence in Providence, Rhode Island, whence he removed to Kentucky, and for a number of years engaged in farming near Lexington. The maternal grandfather, George Brown, was a millwright by trade, and was one of the pioneers in the erection of woolen mills in this country. He took up his residence in Richmond, Kentucky, about 1821, and one of the first mills constructed by him in the vicinity of the city is still standing. A brother of Mrs. Brown was a soldier under Wellington in the memorable battle of Waterloo.

William B. Smith attended school in Richmond and in later years was a student in Bethany College, of West Virginia, sharing the first honors of the class with Hanson Boring, now of Mayfield, Kentucky, a brilliant scholar and recently a candidate for state superintendent of schools. Mr. Smith graduated in the class of 1854, then took up the study of law under the perceptorage of William C. Goodloe, judge of the circuit for many years, was admitted to the bar and removed to Platte county, Missouri, where he engaged in the practice of his chosen profession until 1863, when he returned to Richmond, where he has since resided. He has maintained the dignity of the profession in his large and important practice, to which he devotes his time and attention. He is especially powerful as an advocate, and the strongest members of the Richmond bar soon found that they had in him a foeman worthy of their steel. He has defended as many criminals as any member of the Kentucky bar, and of the many whom he has defended for murder not a single one has ever suffered capital punishment. Probably the only instance in the criminal annals of the state when four men have been tried together for murder, Mr. Smith was the counsel for the defendants; after the third trial he succeeded in securing the acquittal of all. His eloquence seems almost irresistible, his logic incontrovertible. He is clear in his statements, earnest and zealous in his delivery, forceful in his presentation of facts and logical in his reasoning. His power as a lawyer is demonstrated by the thoroughness of his mastery of the science of law and the skill and ability with which he applies its principles to given cases.

One of the leaders of the Democracy in Kentucky, Mr. Smith was elected to represent Madison county in the state legislature in 1889–90, and in 1896 was elector-at-large on the Bryan ticket, being the only Democrat who was chosen for that position, and casting one vote for the Democratic nominees in the electoral college of Kentucky. He is active in the councils of his party and in the canvass. He has been prominently before the Democratic conventions at different times and was defeated by only half a vote for the nomination for judge of the court of appeals.

Mr. Smith married Miss Elizabeth Ann Parkes, daughter of John W. and Nancy (Snoddy) Parks, both early settlers of Madison county. They now have three daughters: Nannie, wife of J. S. Parks, of Chicago; Minnie, wife of William G. White; and Cynthia, wife of R. R. Burnam, a banker of Richmond.

RICHARD WHITE MILLER, of Richmond, springs from a family whose identification with the history of Kentucky covers more than a century. Decade after decade has silently dropped into the abyss of time since John Miller left Virginia, the

cradle of American civilization, and sought a home in the undeveloped region now embraced within the boundaries of Kentucky. He has served his country as a defender of the rights of the colonies during the war for independence, and as captain of a company led his men in many a gallant charge which contributed to the success that crowned the American arms. He was present at the surrender of Lord Cornwallis at Yorktown. With the adoption of the constitution the American republic became an established fact and a recognized power among the nations of the world, and in the following year, 1784, Captain John Miller removed from his old Virginia home to the territory of Kentucky, being among those who carried civilization into frontier districts and became the founders of other states. He settled in what is now Madison county, and in 1785 built the first house ever erected in Richmond. He was prominently identified with the early growth and history of this section of the state, and was one of the first of three delegates elected from Kentucky to the Virginia legislature. His wife was previous to marriage a Miss Dulaney, a member of one of the old families of Virginia. Captain John Miller was the great-grandfather of the subject of this review.

William C. Miller, the father of Richard W., spent his entire life in Madison county, and during the Civil war served as a private in the cavalry command of the intrepid and fearless General Morgan. He was graduated from the Howard Law School in 1865, and at once entered upon the practice of his profession at Richmond. For four years he served as county attorney, while for twelve years he occupied the bench as judge of the court of Madison county. His wife, Susie White Miller, was a granddaughter of Willis and Isabella (Buck) Field. The former's father was killed at the battle of Blue Licks. She was also a niece of Major-General Charles W. Field, of the Confederate army, and a great-niece of John White, a famous Whig leader and lawyer, who, from 1835 to 1845, represented the Richmond district in congress, and was speaker of the lower house for one term. He was also circuit judge of the Richmond circuit.

Richard White Miller was born in Richmond, September 25, 1869, and in character and in talents is a worthy scion of his race. His educational privileges were liberal and such as to fit him for prominence in professional circles. He was graduated in the Central University of Kentucky, in June, 1888, with the degree of Bachelor of Arts, and afterward read law under the preceptorship of the Hon. A. R. Burnam, of Richmond. He was admitted to the bar in March, 1889, but desirous of making still further advancement along the road of legal learning he entered the Yale Law School in the fall of that year, and was graduated at that institution in 1891, with the degree of Bachelor of Laws. With liberal intellectual endowments and broad culture in literature and the sciences, he is fully equipped for an honorable career and has already distinguished himself in educational, political and journalistic circles. From 1892 until 1895 he was the lecturer on history and political science in the Central University of Richmond, Kentucky, and is now the proprietor of the Kentucky Register, a newspaper of his native city, where he is actively engaged in the practice of law. He supports the "gold branch" of the Democratic party, and was a delegate to the national convention held in Indianapolis, Indiana, in September, 1896.

Socially, Mr. Miller is connected with Beta Chapter of Alpha Tau Omega, and is a member of Waite Chapter, Phi Delta Phi. He was married June 7, 1893, to Miss Susan Beirne Patton, of Huntsville, Alabama. They have one child, Richard White, Jr. Mrs. Miller is a daughter of Oliver Beirne and Bettie White Patton; granddaughter of General Addison White, who was a member of congress from the Richmond district from 1851 to 1853; a great-granddaughter of Colonel David Irvine; a great-great-granddaughter of Dr. Ephriam McDowell, and a great-great-great-granddaughter of Isaac Shelby, the first governor of Kentucky.

GREEN CLAY, of Richmond, Kentucky, was born in August, 1871, at White Hall, the country seat of General C. M. Clay, one of the best known and most prominent citizens in this section of the state. His mother, Mary B. Clay, was a daughter of General Cassius M. Clay. She was married to Colonel John Frank Herrick, but secured a legal separation from him and a restoration of her maiden name by the court. She also obtained the custody of her son, the subject of this review, who grew to manhood under the name of Clay, and on attaining his majority assumed the name by legal measures in the courts. General C. M. Clay was united in marriage to Miss Mary Warfield, a daughter of Dr. Elisha Warfield, of Lexington, and their second child and eldest daughter was Mary B. Clay, the mother of our subject.

Until ten years of age Green Clay was instructed by private tutors at home and then went to Ann Arbor, Michigan, where he pursued a course in the high school and the State University of that city, spending eight years in study there. He then attended Central University, of Richmond, for two years, and was graduated in the law department of Columbian University, of Washington, D. C., in June, 1893. In September of the same year he was admitted to the bar of Kentucky, in Richmond, and has since engaged in general practice in this city, giving his entire time to his profession. He votes with the Democracy, but has no desire for political preferment. He is an upright, sturdy young man, who comes of a vigorous race noted for honesty, eloquence and love of liberty. He is of a studious nature, careful and painstaking, and true to the interests confided to his care.

JOHN SPEED SMITH, of Madison county, Kentucky, was born July 31, 1792, a son of William and Mary (Speed) Smith. Having prepared for the bar in early life, he won distinctive honors in the fields of law practice and was the peer of the ablest and most learned representatives of the legal profession in Kentucky. He was also a public man of wide reputation and influence. In 1819 he was elected to represent his district in the state legislature, and in 1821 was elected to congress. In 1827 he was once more chosen to represent his district in the general assembly and through that term served as speaker of the house. In 1830, 1839, 1841 and 1846 he was re-elected and became an active and prominent member, his sound judgment, comprehensive views of the questions before the people and his broad knowledge of law leaving a deep impression upon the legislation of the state. On his retirement from the house he was elected to the state senate,

where his effective service, from 1846 until 1850, won him still higher praise from his district and state. National honors were also accorded him, he being appointed by President Adams to go on a mission to South America. He was also appointed by President Jackson to fill the office of United States district attorney for Kentucky. In the war of 1812 he served as aid-de-camp to General Harrison, and throughout his public career his service was distinguished by the most absolute fidelity to the trust reposed in him. His fellow citizens accorded him the honor which is ever paid true merit, and he fulfilled their confidence by his unfaltering devotion to their interests. His death occurred in 1854. He was married, July 13, 1815, to Eliza Lewis Clay, a daughter of General Green Clay, and they became the parents of seven children.

GREEN CLAY SMITH, the third child of Colonel John Speed and Eliza Lewis (Clay) Smith, was born July 2, 1832, and has had a distinguished career. He, too, became connected with the legal profession, to which the Speed family has furnished several illustrious members. At the age of fifteen he volunteered for the Mexican war in Colonel Humphrey Marshall's cavalry regiment, and was elected second lieutenant of Captain James Stone's company. He graduated in Transylvania University in 1853, and, after obtaining license as a lawyer, he practiced in Richmond and Covington, Kentucky. His strong mentality, his superior powers of reasoning and his keenly analytical mind enabled him soon to gain prestige at the bar; he was also a leader in political circles, having been elected to the legislature in 1860. He served until after the outbreak of the Civil war, when he at once entered the Union service and assisted in recruiting the Third Kentucky Cavalry; was offered the position of major in that regiment, but was appointed colonel of the Fourth Cavalry and commanded that regiment until 1862, when he was made brigadier-general and placed in charge of a brigade of cavalry in Rosecrans' army. He was brevetted major-general in 1863 and the same year was elected to congress and later re-elected. After the war he was appointed governor of Montana, and in 1876 he was the Prohibition candidate for the presidency of the United States.

Abandoning his chosen profession he entered the ministry and for nine years was moderator of the general association of Kentucky Baptists, affording a rare example of a mind so equally balanced that it achieved fame in the professions of law and theology, in war and in statemanship. He married Lena Duke, daughter of James K. Duke, of Scott county, Kentucky, and a grand-niece of Chief Justice Marshall of the United States supreme court.

JOHN WHITE, of Richmond, speaker of the house of representatives of the twenty-seventh congress, was born in Tennessee in 1805. He belonged to one of the most distinguished families of Kentucky, its representatives being especially prominent in the halls of legislature and congress. His parents were Hugh and Anne (Lowrie) White, both natives of Pennsylvania, and the former of Irish ancestry. He belonged to the same family as Hugh Lawson White, of Tennessee, and was a brother of James White, of Abingdon, Virginia, the father of Addison White, congressman from the Rich-

mond district, of Kentucky, from 1851 to 1853; also a brother of Dougherty White, father of John D. White, congressman from the Manchester district from 1881 to 1885. Hugh White, the father of our subject, became quite wealthy and was the owner of a number of salt wells on Goose creek, which were for some time the source of Kentucky's salt supply.

John White, of this review, read law at Lancaster, under the direction of Governor William Owsley, and was admitted to the bar at Richmond, Kentucky, in 1823. He had the essential qualifications of a successful jurist and had secured a large *clientele* when he entered congress in 1835. He represented his district in the United States house of representatives, continuously being returned four terms until 1845, and was one of the national leaders of his party, his prominence being indicated by his selection as speaker of the twenty-seventh congress. Henry Clay, John White, Linn Boyd and John G. Carlisle were the only Kentuckians thus honored. Judge White was one of the best parliamentarians that the country has produced, and few statesmen have handled the intricate questions relating to the national policy with more masterly skill.

In the year of his retirement from congress (1845) Mr. White was appointed judge of the nineteenth judicial district, but his career on the bench was terminated by death the same year. He was a Whig in political belief and was a warm personal friend of the recognized leader of his party, —Henry Clay, the great commoner. They frequently visited each other, exchanging views on the issues of the day and discussing the policy of the government, in the formation of which they took so active a part.

Judge White was united in marriage to Miss Mary Hume, of Knoxville, Tennessee, and left seven children: William L., Hugh L., Margaret R., Catherine, Ann L., John and Mary, one of whom was the wife of the late Judge Baxter, of the United States circuit court.

JAMES BENNETT McCREARY, of Richmond, lawyer, governor and member of congress, is one of the most eminent men that Kentucky has produced. He was born in Madison county, on the 8th of July, 1838, and descended from prominent families of Virginia and Kentucky, whose representatives have taken an active part in the events which form the history of the two commonwealths. Both his paternal and maternal grandfathers served in the war of 1812, and his people were identified with Kentucky during its pioneer epoch, when the sturdy frontiersmen carved their way to civilization. In his veins flows the blood of sturdy Scotch-Irish and Anglo-Saxon ancestry, and he possesses the fearless determination of the first, the versatility of the second and the ready adaptability and reliability of the English race.

The childhood days of Mr. McCreary were spent upon a farm in the county of his nativity, where amid the green fields and pure air of the country was laid the foundation of a vigorous, healthy manhood that has never yielded to the wearing effects of hard study and unceasing work. His preliminary education was received in the public schools, after which he attended the Richmond Male Seminary. Subsequently he continued his studies at Center College, Danville, where he was graduated with honor at the early age of eighteen. He seemed to have a mind peculiarly adapted

for the legal profession, and naturally turned toward that vocation, manifesting then the same keen discernment, analytical power and sound judgment which have since won him renown in statecraft. He began his law studies in the office and under the direction of Major Squire Turner, and then entered the law department of Cumberland University, Lebanon, Tennessee, where he was graduated at the age of twenty-one with the first honor of the class of forty-seven. He immediately began practice in Richmond, where he soon gained a commanding position at the bar. He has since been one of the foremost jurists of his district, and has continued in active practice from 1859, with the exception of those periods when public duties have called him from private business life.

During the Civil war he espoused the cause of the south, and in 1862 assisted in raising a regiment for the Confederate service. He was elected to the rank of major and subsequently became lieutenant-colonel of the Eleventh Kentucky Cavalry, Confederated States of America, in which capacity he served until the close of the war. His military record was most honorable, for, with unquestioned valor and loyalty he promoted the cause of his loved southland and participated in arduous service with the commands of Generals Bragg and Morgan in the west and later with General Breckinridge in Virginia, where his regiment surrendered at the close of the war. It has been said of him: "The fact alone that he followed the matchless daring of Morgan through the vicissitudes of that most fearless leader's career is a badge of chivalry and valor that needs no comment. Whether on battle-field or around camp fire, whether exulting in victory or suffering the bitterness of defeat, whether leading a host of proud Kentuckians or enduring the hardships of imprisonment, he was in war, as in peace, calm, self-possessed, manly and brave, commanding the admiration, respect and confidence of rank and file alike. When the end finally came with the surrender at Appomattox, he accepted the inevitable with equanimity and in good faith, and the war, to him, ended."

Colonel McCreary at once resumed the practice of law in Richmond, and his superior ability, careful preparation and devotion to his clients' interests assured him success.

He married Miss Catherine Hughes, of Fayette county, in 1867. Her father, Thomas Hughes, was one of the most prosperous and prominent agriculturists of that county, and she was a lady whose refinement, culture and intelligence at once won her the warm regard of those whom she met in her new home at Richmond, Kentucky, giving her a prestige in social circles which she has never lost. She presided with a gracious dignity unsurpassed when she was the mistress of the executive mansion in Frankfort and during her residence in the national capital, where she maintained high social distinction. Colonel and Mrs. McCreary have but one child, Robert Hughes McCreary, who married a daughter of General Walter Newberry, of Chicago, and makes his home in that city. The son has two children, Robert and Harriett McCreary.

His social life and his straightforward course at the bar endeared him to society and professional associates, and won him many friends; but it is his political career which brings Colonel McCreary into public notice and makes him a central figure in

state and national politics. From early boyhood he has been deeply interested in political questions. It is told of him that while a youth at school he learned of a political meeting which was to be addressed by John C. Breckinridge and General Leslie Combs in joint debate, the former the representative of the Democratic and the latter of the Whig party. He and his friend resolved that they would attend the debate, disregarding all parental or school authority. Mounting their horses, they made their way along the turnpike until they reached a toll gate. Neither boy had a cent of money, but by mentioning the name of Dr. E. R. McCreary, then a prominent and well-known citizen of the community, as the father of one, the toll-keeper trusted them for the amount. A little artifice enabled them to pass the second toll gate; but when they reached the ferry they could not induce the old ferryman to take them across the river—the Kentucky. The water seemed too deep and swift to ford, and the boys were in a quandary; but when young McCreary heard the band and saw the procession, he became so enthused that he urged his horse into the water and swam across, much to the consternation of the people on the bank, who thought that the boy would be drowned. John C. Breckinridge himself rushed to his aid, but he reached the shore in safety, heard the address of his *beau-ideal* Democrat, and from that time has been unfaltering in support of the principles which he that day heard advocated. He has given to the questions which concern the nation's welfare deep and earnest study. He has a strong mind whose ripened judgment and matured thought render his counsel most valuable to his party.

Mr. McCreary was first elected to public office in 1868, when he was chosen presidential elector on the Democratic ticket, but he declined to serve, as three years had not then passed since he had left the Confederate army. By the same convention he was selected a delegate to the national Democratic convention in New York, which nominated Seymour and Blair as the candidates for president and vice-president, respectively. In 1869 he was elected to the general assembly of Kentucky as the representative of his native county—Madison—and was re-elected for two consecutive terms, without opposition in the ranks of the Democracy. During his first term he became so well versed in legislative affairs and so skilled in parliamentary procedure that he was elected speaker of the house of representatives during both his second and third terms. As a presiding officer his course is almost unparalleled. No one questioned his fairness and no appeals were taken from the decisions of the speaker. His knowledge of constitutional law is comprehensive, and as a parliamentarian he has very superior ability. For six years he served in the legislature, supporting those measures which he deemed for the welfare of the state, and on his retirement from office he was regarded as one of the most popular and gifted statesmen of Kentucky—a reputation which he has never lost.

When only thirty-six years of age Mr. McCreary received the nomination of his party for governor, his Republican opponent being the Hon. John M. Harlan, now on the United States supreme bench, a man whose high personal worth won him universal regard, and whose ability as an orator ranked him among the most eloquent speakers of the state. These two, honored alike for true nobleness of character, canvassed the

state together, and on the platform met fairly and squarely the issues of the day. Their actions and personal relations toward each other were characterized by such manly decorum and courteous gentility that a warm friendship sprang up between them, which still continues. Mr. McCreary was elected by a majority of over thirty-seven thousand and became governor, the youngest that has ever occupied the chair of Kentucky's chief executive, filling the office from 1875 until 1879, the constitution making him ineligible for re-election. These years added to the love and honor previously given him by the people of the state. He was called "the model governor," a term that aptly indicates his loyal, devoted service in the interests of the commonwealth. He guided the ship of state with a firm and skilled hand.

On his retirement Mr. McCreary returned to his home in Richmond, resuming the practice of law, which he continued until 1884, when the eighth district chose him as its candidate for congress. His entire political career has been one unbroken series of splendid successes. His opponents for the nomination were Hon. Milton J. Durham and Hon. P. B. Thompson, his predecessor in congress. Mr. McCreary carried eleven out of the thirteen counties comprising the district. He was elected by a large majority, and for six successive terms he has been chosen by the people of his district a representative in the congress of the United States. He to-day occupies an eminent position among the statesmen of America, and is one of the most prominent leaders of the Democracy. He has been connected with much of the important legislation of the country for twelve years. He has been an active, untiring and able worker on the floor of the house and in the committee rooms. He twice served as chairman of the committee on foreign affairs, and through his six terms in congress has been a member of that committee. He has also served on the committee on coinage, weights and measures, World's Fair and private land claims, and of the last-named was chairman during the fiftieth congress. He left the impress of his individuality, his strong mentality, his comprehensive knowledge and his clear understanding upon much of the legislation which forms the history of the nation, and his course has ever been characterized by the strictest fidelity to duty and unimpeachable loyalty to his country's good.

Mr. McCreary is the author of the bill that established a land court to adjudicate the claims growing out of the treaties between the United States and Mexico, known as the Gadsden treaty and the Gaudalupe Hidalgo treaty, and through this means millions of acres of territory have been reclaimed from land pirates and held for actual settlers. He is also the author of that very important measure which provided for what was known as the Pan-American congress, and under the provisions of that act there was held at Washington, District of Columbia, a conference of the representatives of Mexico and the republics of Central and South America. Much benefit of a commercial and international character has resulted from that congress, in which sixteen nations participated. The bureau of American republics has become a permanent institution at our national capital. Mr. McCreary is also the author of the act which provided for a preliminary survey to ascertain the feasibility of connecting North, Central and South America by railroad. The survey was duly made and the enter-

prise declared practicable. Under this act it is proposed that each country build the road over its own territory. The United States has already connected its line with the Mexican border, and much progress has been made by other nations in constructing the line.

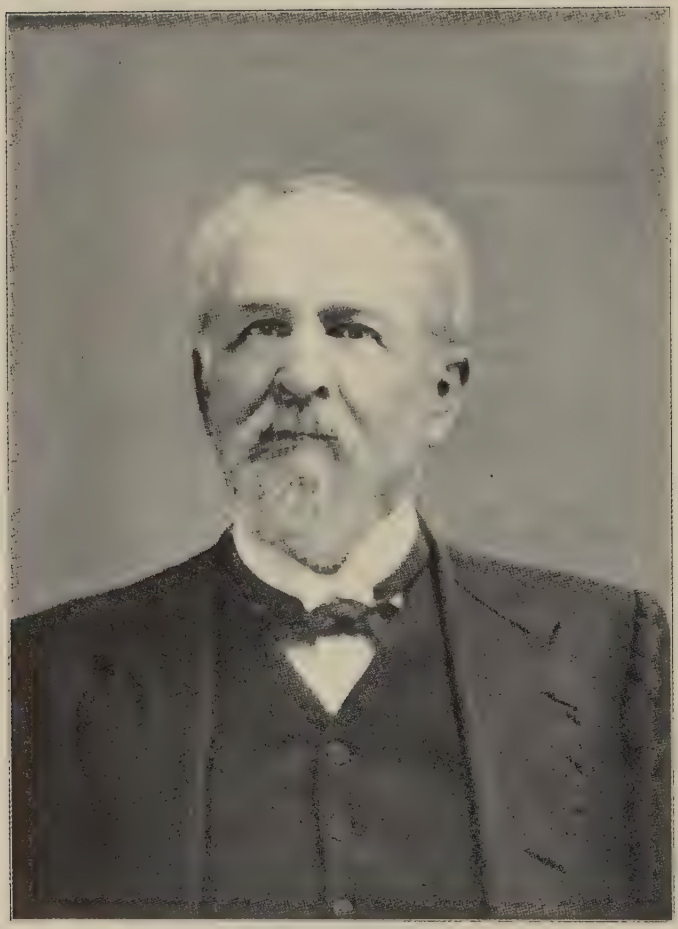
Mr. McCreary presented a resolution to the house of representatives, with an able and exhaustive report, declaring the opposition of the United States to European governmental control of the inter-oceanic canal across the isthmus of Darien, known as the Panama canal. The report contained a strong avowal and reassertion of the Monroe doctrine. He also introduced a bill for the establishment of a department of agriculture, and continued to advocate such a measure until it was finally enacted into a law, and the secretary of agriculture became a member of the president's cabinet.

While governor of Kentucky, it was upon his recommendation to the general assembly that the department of agriculture was established in Kentucky and a commissioner placed at its head as a permanent officer, now provided for by the constitution of the state.

He introduced a bill in congress to place farming implements and mechanics' tools on the free list and largely through his advocacy the substance of these measures was incorporated into the Wilson bill. He introduced the bill, which passed the house after a protracted contest, authorizing the president to retaliate upon foreign vessels for injuries to American fishermen and American fishing vessels. He presented and advocated in the house of representatives the act under which was held, at Washington, District of Columbia, the international medical congress, at which was represented the medical and surgical societies and institutions of the principal nations of the world. He is the author of the bill amending and giving effect to the Chinese exclusion act, known as the Geary law, and so effective and satisfactory has been the Geary law in settling this vexed question that its provisions have been substantially incorporated in the existing treaty between the United States and the Chinese empire. He presented and managed in the house of representatives two bills to give effect to the Behring sea award by which difficult international questions concerning Alaska and our fur seal interests were settled. He prepared and passed through the house the Hawaiian resolutions, which endorses Mr. Cleveland for withdrawing the treaty sent to the senate by President Harrison providing for the annexation of the Hawaiian islands at a cost to the United States of three and a half million dollars; and at the close of the fifty-third congress, he, for the second time, defeated the senate amendment to the diplomatic and consular appropriation bill, directing the president to construct a sub-marine cable from San Francisco to Honolulu, at a cost of three millions of dollars. The defeat of this measure not only saved the government this large sum of money, but preserved the principle that the United States shall not embark in the government ownership and control of railroads and telegraphs. He opposed the bounty of five millions of dollars to the sugar planters, and was an influential advocate of changing the appropriation of five million dollars to the World's Columbian Exposition from a donation to a loan, which change was made and a saving thereby made by which that amount was covered back into the United States treasury. He has been

the most earnest and successful worker in congress for the improvement of the Kentucky river. During the first ten years of his service in congress he secured the appropriation of various amounts, aggregating over a million dollars, with which six locks and dams have been built or repaired; and in the last river and harbor bill, largely through his efforts, one million and four hundred thousand dollars more were appropriated for six additional locks, which, it is believed, will make the river navigable to the three forks of the Kentucky river. He has secured an aggregate appropriation of one hundred thousand dollars for the erection of a federal building in Richmond, which is one of the handsomest public buildings in the United States. It was also through the efforts of Mr. McCreary that an officer of the United States army was assigned to Central University, of Richmond, Kentucky, free of charge, affording military instruction and regular drill to the students of that institution. In 1892 he was one of the five commissioners appointed by the president to represent the United States in the international monetary conference which was held at Brussels, Belgium, and in which twenty nations were represented. In that conference he was an earnest advocate of bimetalism under international agreement.

Thus actively has Mr. McCreary labored for the interests of state and nation. The occurrences of to-day become the history of to-morrow, and the performance of his duties in the legislative chambers of the nation have already become a part of the public annals which record the country's progress and policy. It is said that the pictured face of no Kentucky man is more familiar throughout the state than his, and no native son of this commonwealth is more universally respected and admired. In congress he is esteemed by his fellow members for the high character of his statecraft, his fearless loyalty to a cause in which he believes, and his patriotism which places country above party and the nation's good above personal aggrandizement. At home his kindly manner, his freedom from ostentation, his genial disposition and his gentlemanly bearing have gained him a friendship which will continue while memory remains to those who know him.



J. P. Hill

REMINISCENCES OF THE STANFORD BAR.

BY T. P. HILL, OF STANFORD.

JUST prior to the beginning of the late Civil war, the lawyers who practiced before the judge of the Lincoln circuit court were probably as able and eloquent as any set of men that ever assembled at any bar in the rural districts of Kentucky. These included Hon. Joshua F. Bell, Hon. F. L. Fox, Hon. George W. Dunlap, Allen A. Burton and Hon. George R. McKee, who lived in adjoining counties. At the Stanford bar was Hon. John Kincaid. These were the most prominent members of the profession. There were in the various counties referred to above a number of young attorneys of less note at that time who have since acquired very high standing in the profession.

Hon. Zachariah Wheat, of Adair, afterward governor; Thomas Bramlette, also chief executive of Kentucky, and Hon. M. J. Durham, of Danville, were successively the judges of the Lincoln circuit court.

The most eloquent of these lawyers was Hon. Joshua F. Bell, of Boyle county. He had a classical education and thorough literary culture; a very fine voice, the most melodious I ever listened to from any public speaker; and his gesticulation was almost perfect. To these qualities he added fine imagery, wit and sarcasm, an inexhaustible fund of anecdote, which he related with more marked effect than I have ever known produced by any other public speaker; with sallies of eloquence that transported the jury and the crowd, carrying them captive at the will of the speaker. He was also a man of the highest personal honor, and possessed an individual magnetism that attracted the hearer and held him a willing captive to the argument and eloquence of the speaker. Mr. Bell was the most eloquent speaker of all the great men of Kentucky to whom I have ever listened. Added to Mr. Bell's other gifts and acquirements, he was a very fine lawyer, having studied critically and well both the federal and state constitutions and the common law.

Next to him, as a jury lawyer and public speaker, stood Hon. George R. McKee. He was not inferior to Mr. Bell in any of the attributes of a public speaker except in the matter of his voice and in personal magnetism. He was a very able lawyer, in fact surpassed but by few in the state. His voice was distinct and commanding, his manner natural, his language chaste and cultured, and his ideas distinct and clear. His knowledge of the common law was wonderfully great, and he illustrated his points, not by anecdote, as did Mr. Bell, but by biographical, poetic and historic illustrations, of all of which he was master.

Next to Hon. George R. McKee, as a public speaker, probably ranked Hon. Fontaine T. Fox, who was a very fine lawyer and a rapid and captivating speaker, who

held his audience spell-bound by his logic and wit, of which he was an accomplished master, and to which he would add an anecdote, bringing in ridicule or sarcasm most effectively. His voice and manner of delivery were unexcelled; without the gift of eloquence possessed by Mr. Bell he yet held the attention of his audience by the fire of his spirit, fine personal appearance, true generosity of heart and honesty of purpose shown in his countenance, personality, manner and words. Altogether, no more remarkable or lovable personage ever appeared at the bar in central Kentucky. He was usually on one side of every case in the circuit, busy from the beginning to the end of every court session. He earned and collected a great deal of money, which he spent and gave away with astonishing prodigality. A man of absolutely perfect honor, unbounded generosity and kindness of heart, probably no one ever appeared at the bar in central Kentucky who made more money in the profession or enjoyed a greater show of public confidence, love and affection than Fontaine T. Fox. His very presence at the bar brought and preserved, during his stay, good cheer.

Next to him as a jury lawyer and public speaker ranked Hon. George W. Dunlap, who added to an exceedingly fine personal appearance a very fine voice and manner. Without anecdote, wit, sarcasm or any reference to poetic or classic illustrations, by his fine person, melodious voice, agreeable manner of delivery and distinct comprehension of the points of his case, he held his audience from the beginning to the end of his argument. He was a fine lawyer, a rapid, clean, distinct and fiery speaker, and, when aroused by confidence in the justice of his case, became transported with indignation or fervor, which he managed to communicate to his audience, and so held them captive to the end of his argument. He was a generous man at the bar and in the social circle, sought no advantage of his adversary and would use none when obtained,—a noble, generous, honorable and eloquent man.

Allen A. Burton was not what is understood to be a speaker, but as a jurist he had very few superiors of his age. His learning was technical, doctrinal and comprehensive. He was a fine common-law practitioner and read and recollected the current of Kentucky decisions more correctly and extensively than any lawyer at the bar. He was a correct pleader and a formidable adversary in the preparation and argument of a case. He seldom addressed juries, and in his arguments before the court the tone of his voice was entirely conversational; his arguments were short, clear and distinct, and his reference to authorities were faultless in the statement of the issue and point decided. He was modest, usually silent, but would occasionally entertain the bar in social conversation for quite a time with wit and ancedote rarely excelled.

John Kincaid was a citizen of Lincoln county; a tall, muscular man, but not corpulent; sandy hair that stood on ends, florid complexion; dark, small hazel eyes and prominent cheek bones. He was not an eloquent speaker, but was strong, logical and emphatic in delivery. His mind was of a legal cast and he was a deep thinker. He had read and studied extensively the common law as a science, and loved to ponder and reflect upon its principles. His mind was analytic. I have never known any man who could make by argument a difficult principle of the common law so

plain to the common mind, as well as so interesting. This man, whose style was not ornate or at all cultured, by the power, symmetry and depth of his thoughts and ideas, would secure the interest of the farmers and others in the court-room and chain their attention in the discussion of a dry principle of the common law, to such an extent that when he was through they had not only been entertained but the principle had been made so plain that they understood the question which he had discussed as well as the lawyers. It was the clearness and depth of his reasoning that imparted such interest to the question under discussion.

He never referred to any authorities in the discussion of a legal question; he saw and understood its moral and legal aspect and could make it clear, not only to the comprehension of the court but also to that of the common mind. A great, original thinker, he did not need to beg or borrow ideas from the opinions of judges of the superior courts or the treatise of the learned men of the profession. He was a man of simple habits and tastes, of kind and affectionate heart, and abhorred injustice, oppression or treachery, which he could expose with a power and effect I have never known any other man to possess.

Hon. George Robertson, long a judge and chief-justice of the court of appeals, himself a man of national reputation, on being asked by Hon. George W. Dunlap, in the presence of a number of lawyers, who was the greatest lawyer he had ever known, said that he had known lawyers who could produce more authority upon a given proposition of law than Kincaid, but Kincaid had the greatest legal mind of all men he had ever met, and that under other circumstances, and with more self-assertion, he would have left an enduring fame. He often met in the discussion of important legal questions and in important trials before juries, Ben Hardin, Judge George Robertson, Squire Turner, William H. Caperton, Thomas F. Marshall, and Hon. John Speed Smith, who was a great criminal lawyer, and in no case in which he ever appeared with these eminent men did he fail to add to his reputation. They might have more wit, scholastic learning and elegance of diction, but the strength, clearness and great analytical power of Mr. Kincaid's mind would preserve for him an enduring recollection in the minds of all who heard the discussion; in fact it was almost impossible for the most cultured mind to tell when logic ended and sophistry began in an argument of his. He loved home, his friends, and the solitude of his room in which to study, and never sought after what is commonly called fame.

THOMAS P. HILL, of Stanford, was born in Lincoln county, Kentucky, on the 30th of August, 1828. The ancestral history of the family shows that the Hills emigrated from England to America in 1707, and removed from Maryland to Kentucky about 1782. The grandfather, Clem Hill, was the first to settle in this state, and the father, Thomas O. Hill, Sr., was born in Washington county. He studied for the bar, but after two years' practice in Springfield, Kentucky, died, at a very early age. He married Louisa Peyton, daughter of Randolph and Mary (Speed) Peyton. The latter was a daughter of Mathew Speed, who was one of the heroes of the Revolution and belonged to the same family as James Speed, attorney-general in the cabi-

net of President Lincoln. Randolph Peyton was a son of Valentine Peyton, who also served in the patriot army during the war of the Revolution and removed from Virginia to Kentucky in 1780.

Thomas P. Hill completed his literary education in St. Mary's College, of Marion county, Kentucky, and studied law under the preceptorage of John Kincaid, one of the most brilliant and able jurists of the state. In 1852 he was admitted to the bar in Stanford, where for forty-five years he has now been an active and successful practitioner, being legal adviser in every important suit of the circuit throughout almost this entire period. He was associated in business with J. W. Alcorn, who studied in his office and was for twenty-four years his partner. He is now the senior member of the firm of Hill & McRoberts, his partner being P. M. McRoberts, who was also a law student in Mr. Hill's office.

Mr. Hill votes with the Democratic party. He has never held office, and though frequently urged to become a candidate for congress or judicial honors he has steadily declined, preferring to give his undivided attention to his law practice.

He was twice married, his first union being with Miss Maria A. Peyton, who died in 1867, leaving three children, one of whom, Thomas P., Jr., is now a practicing lawyer of Wyoming.

Mr. Hill takes a deep interest in young men, and has been very helpful in equipping and preparing them for the responsible duties of life. He is charitable to the needy, kindly and courteous at all times, and a true type of the gentlemen of the old school, too rapidly passing away. For fifty years he has lived in the old home at Stanford, dispensing the hospitalities for which Kentucky residences are so justly noted. He is a zealous advocate of progress along educational, moral and other lines, which tends to advance humanity's best interests. Devoted to his profession, he is very earnest in defense of the interests of his clients, bringing to bear every element which will contribute to their success. He is an original thinker, relying little upon books or precedents, but reasoning his cases out on the fundamental principles of law and justice. As an orator he has few equals; his command of language, his fund of anecdote, his familiarity with historical incidents and scientific facts, his wide reading and retentive memory enable him to embellish his discourses with the most beautiful figures of rhetoric. He is one of those magnetic men whose voice and manner touch a responsive chord in the minds and hearts of his hearers, moving them to tears, to laughter or to meditation.

PETER MUIR McROBERTS practices law in his native city of Stanford. His father, Rev. Sidney Smith McRoberts, was a Presbyterian minister and for many years served as pastor of the church in Stanford. He was a native of Lincoln county, where his parents had located about 1780, being among the first settlers from Rockbridge county, Virginia. He was a graduate of Danville College, also of Princeton College, of New Jersey, and married Miss Rizer, of Bardstown, Kentucky. Her sister became the wife of Hon. Peter B. Muir, of Louisville, one of the most prominent members of the Kentucky bar.

Mr. McRoberts has spent his entire life in Kentucky and completed his literary education by a course in Center College, Danville,

where he was graduated in the class of 1878. He studied law in the office of Hill & Alcorn, the most prominent law firm of Stanford, and was admitted to the bar in 1882. On the dissolution of the firm of Hill & Alcorn, in 1889, he was admitted to partnership by the senior member, and in his section of the state no firm has a wider or more enviable reputation than that of Hill & McRoberts.

Supporting the men and measures of the Republican party by his ballot, Mr. McRoberts is deeply interested in the growth and success of his party, but cares naught for the honors or emoluments of public office. He has frequently been urged to become a candidate, but has steadily declined all advances in that direction. A diligent student from the beginning of his career, he has acquired an unusually profound knowledge of the law, which a well-disciplined memory places absolutely at his command.

JAMES W. ALCORN, of Stanford, Kentucky, was born in Lincoln county on the 21st of July, 1838. His father, Alfred Alcorn, was a son of James Alcorn, a captain of Kentucky volunteers in the war of 1812. His mother, Mary (Walker) Alcorn, was a daughter of Jesse Walker, who in pioneer days in Lincoln county served as justice of the peace there.

Mr. Alcorn, of this review, who has risen to prominence as one of the lawyers of this section of the state, acquired his preliminary education in the common schools and later completed his literary course in Center College, Danville, Kentucky. When twenty years of age he began the study of law, his preceptor being Thomas P. Hill, a distinguished lawyer of Stanford, whose wise counsel and legal learning well fitted Mr. Alcorn for his chosen calling. He was admitted to the bar in November, 1858, and at once began practice at the seat of justice of Lincoln county, where he remained until September, 1862, when he entered the service of the Confederacy. He became adjutant of the Sixth Kentucky Cavalry, which formed a part of General Morgan's cavalry command, served as adjutant and also acting assistant adjutant-general.

Returning to Stanford at the close of the war, Mr. Alcorn resumed the practice of law and has since been a leading member of the Lincoln county bar. Until September, 1887, a period of twenty-one years, he was associated as partner with his former preceptor, T. P. Hill, and the law firm constituted one of the strongest in the state. Since that time Mr. Alcorn has been alone. The high character of his clientage at once indicates his superior legal attainments. He is district attorney for the Louisville & Nashville Railroad Company and local attorney for the Cincinnati Southern Railroad Company. His attention is given entirely to civil litigation, in which his practice is extensive. This most important branch of the law, involving the most intricate and involved points, furnishes ample field for the exercise of his unusual analytic powers. His energies have never been dissipated over broad fields of endeavor, and he has steadily eschewed political honors, although frequently solicited to accept candidacy for office. He has several times been mentioned in connection with the circuit-court bench, but has never held office outside of some local preferments. Since attaining his majority he has stanchly advocated the cause of the Democracy, and is a firm believer in the principles of the

party as taught by Jefferson and Jackson and exemplified by Grover Cleveland.

On the 13th of September, 1865, Mr. Alcorn was united in marriage to Miss Sophie F. Kendrick, daughter of J. S. Kendrick and Sophie (Fox) Kendrick. Their children are Annie, Mary, Kate, Pattie, Kendrick and Sophie. Mr. Alcorn is a man of studious tastes and habits. He has the finest law library in Lincoln county, is a man of liberal intellectual endowments and broad culture in literature and the arts, while in the law his investigation has been so extended, comprehensive and accurate as to make him one of the best informed practitioners in the state. He prepares his cases with great thoroughness and exactness and is a ready speaker, forcible in argument and of pleasant address.

MICAH CHRISMAN SAUFLEY, of Stanford, Kentucky, judge of the thirteenth judicial district of the state, was born in Monticello, Kentucky, on the 13th of May, 1842. He is a man whom to know is to honor, for in all the relations of life, whether as lawyer or as judge, in politics or in private life, he has ever been found true to duty and to the trust reposed in him. In his youth he acquired an academic education and his professional training was received in the Louisville Law School, where he prepared for the bar. Kentucky has her full share of prominent lawyers, and chief among them is Judge Saufley. It is not an easy thing to win a place of prominence in this calling. The fact that the law is termed a "learned profession" at once suggests something of the effort that must be put forth to gain an exalted place therein.

Not long after his admission to the bar, Mr. Saufley was elected county judge of Lincoln county, and served in that capacity from 1870 until 1874. The office of county judge does not disqualify the holder from practice in the circuit court, and he rapidly acquired a large private practice. For ability, conscientious fidelity, successful effort and magnitude of business, he was excelled by few. In 1880 he was a member of the electoral college from the eighth congressional district of Kentucky, and supported General Hancock. His political support has ever been given the Democracy, and his intelligent understanding of the issues which affect the welfare of the nation is shown in his able arguments in behalf of the principles which he advocates. In 1888 he was appointed by President Cleveland associate justice of the supreme court of Wyoming and retained that incumbency until the territory joined the galaxy of states which form our republic. His experiences in the west were somewhat peculiar and often extremely interesting and exciting, and called into play his resourceful ability as well as high, splendid legal attainments. At one time, with revolver in hand, he held in check a mob who had determined to take the law in their own hands and secure a prisoner accused of crime; but Judge Saufley, firm and fearless in defense of justice and right, succeeded in averting what would have been a criminal proceeding on the part of the mob. His fairness was ever above question. To the close of his term he discharged the varied and important duties of his office in such a manner as to win the respect and esteem of the bar, as well as the confidence and commendation of the public. His record on the bench was a brilliant one, and

his decisions have been universally sustained by the United States supreme court.

In November, 1892, Judge Saufley, by election, was raised to the circuit bench of the thirteenth judicial district, and has maintained there the high reputation which his previous judicial service had won. His quiet, dignified demeanor commands the respect of all, and his sound judgment and broad legal knowledge have excited the admiration and esteem of the members of the bar who have come before him in connection with the various cases that he has heard. His addresses to the jury are clear and concise, and his decisions are models of judicial soundness, the result of careful deliberation and a comprehensive understanding of the science of jurisprudence. He is one of the most gifted orators of Kentucky, a clear and lucid writer, and throughout his life he has never given the least sanction to anything immoral or dishonorable, but, on the contrary, he has uniformly condemned all such things in the strongest terms.

In November, 1861, Mr. Saufley entered the Confederate army as a private of Breckinridge's brigade of Kentucky infantry. He was afterward made a lieutenant of the Sixth Kentucky Cavalry, First Brigade of Morgan's cavalry, was captured on the Ohio raid and was incarcerated in the penitentiary at Allegheny City, Pennsylvania, and at Point Lookout and Fort Delaware.

Soon after his return home he was married to Miss Sallie M. Rowan, the wedding being celebrated on the 20th of March, 1867. She was a resident of McMinnville, Tennessee, a daughter of S. D. Rowan, a distinguished lawyer of that state, and a great-granddaughter of Governor Caswell, the first governor of North Carolina.

WILLIAM GATEWOOD WELCH, of Stanford, Kentucky, was born April 4, 1841, at Crab Orchard, Lincoln county, a son of Thomas and Clara Gatewood Welch, *nee* Mullins. His father was a physician and surgeon, who descended from Virginian ancestors. Early in the eighteenth century the progenitors of the family in America came to this country from Dumfriesshire, Scotland, and the representatives of the name have usually been planters of the south. His mother also belonged to an old Virginian family which many generations ago was established on American soil by ancestors from London, England.

Colonel W. G. Welch was graduated in Georgetown College, of Georgetown, Kentucky, in June, 1859, and for two terms was a student in the law department of the University of Louisville, Kentucky, where he was graduated in February, 1867. He began practice in Stanford in 1872, and has at various times been associated as partner with Judge M. C. Saufley and R. C. Warren, Esq. He is a man of splendid physique and intellect, clear reasoning and analytical power distinguishing his efforts at the bar and winning him a place among the leading lawyers of the state. He is always equipped for forensic combat with the weapons of the accomplished orator and lucid thinker and has won many notable victories in the forum. In politics he has always been a progressive free-trade, sound-money Democrat. During the war between the states he was a soldier of the Confederate army and his valor and meritorious conduct won him honorable promotion. He enlisted as a private in General John H. Morgan's cavalry, was raised to the rank of captain in 1863, under

General E. Kirby Smith, and was commissioned major in the spring of 1865.

On the 16th of January, 1877, Mr. Welch was united in marriage to Mary Ellen Hayden, a representative of a prominent and honorable Maryland family. They have a wide acquaintance and popularity in Kentucky.

With talent fitted for the highest stations the subject of this sketch has been unambitious of political distinction, and remains content with the ease and independence of private life.

WILLIAM HARRIS MILLER, of Stanford, died in Stanford on the 21st of April, 1896. He was one of the prominent lawyers of the bar in this section of Kentucky and lives in the memories of his contemporaries, encircled with the halo of a gracious presence, charming personality, profound legal wisdom, purity of public and private life and the quiet dignity of an ideal follower of his calling. For a number of years he was in active practice at the Stanford bar, and comparatively few men have endeared themselves to so great an extent to their professional associates and to those with whom they came in contact in the discharge of public duties.

On the bank of the Dix river in Lincoln county stands the old family home of the Millers, and there, in June, 1842, William H. Miller of this review was born. His father, Colonel James Miller, was originally from Madison county, Kentucky, whence he came to Lincoln county, being many years identified with agricultural pursuits. His wife bore the maiden name of Frances Maupin. The son enjoyed the educational advantages afforded by the public schools of his home county, and later continued his studies in Center College, of Danville, Kentucky.

When eighteen years of age he joined Shanks' company, Grigsby's regiment of Morgan's cavalry, Confederate States Army. He was wounded in an engagement at Greenville, Tennessee, but continued with the forces under General Morgan until captured on the Ohio raid in 1863. Incarcerated in Camp Douglas, near Chicago, he made his escape six months later and re-entered the army. His bravery was shown on many a southern battle-field and many times did he give ample proof of his fidelity to the cause he loved and served. He was with the escort of Jefferson Davis in his flight from Richmond, Virginia, to Washington, Georgia, and at the latter place was formally discharged by General John C. Breckinridge, secretary of war of the Confederacy.

When hostilities were at an end Mr. Miller returned to Kentucky and studied law under the direction of the Hon. Squire Turner, of Richmond, his close application and strong mentality soon enabling him to master the principles of the science and secure admission to the bar. He began practice and soon won a *clientele*, the high character of which ably testified to his superior ability and legal attainments. In 1868 he was elected circuit clerk of Lincoln county, serving for one term; but, in the earlier years of his business career, his attention was given exclusively to his profession, where he soon gained marked distinction and prestige. His fidelity to his clients' interest was proverbial; and his painstaking preparation of cases, his forceful combinations of facts in evidence, and his eloquence and earnestness before court or jury, won him successes that at once demonstrated his

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power and unusual strength as a jurist. In 1878 he was elected county attorney, and filled the office with much credit. He was assistant clerk of the house of representatives from 1871 until 1874. When it was determined to prepare a new constitution for the commonwealth, his native county chose him as its representative to the convention of 1890–1. He was true as steel to his convictions, unswerving in support of what he believed to be right, and his knowledge of constitutional law and his broad understanding of the needs of the state made him a most valued member of the convention which framed the present constitution. Hon. Bennett H. Young, of Louisville, said of Mr. Miller while in the convention of 1890: "Bold, aggressive, honest, possessed of strong convictions, the delegate from Lincoln county has, in all matters affecting the interests of the people, stood firm and faithful, defending their rights with great ability and intelligence, and the constitution bears in many parts marks of his mental and personal characteristics." J. Proctor Knott said of him: "I wish I could make some suitable testimonial of my high appreciation of his nobility as a man, and his independence, integrity and sagacity as a statesman and legislator."

When not engaged with public duties Mr. Miller devoted his energies to his profession and was connected with much of the important litigation that was heard in the courts of Lincoln county. He was earnest, faithful and able in the advocacy of true reform and in vindication of justice and the rights of the people. He took a deep interest in local affairs and supported all measures calculated to advance the moral, educational, social or material welfare of the community.

On the 9th of December, 1879, Mr. Miller was united in marriage to Miss Katharine Portman, daughter of Matthew C. Portman, a farmer, and for many years one of the county magistrates of Lincoln county. Her mother was Mrs. Mary H. (Embry) Portman, of Lincoln county. Mr. and Mrs. Miller had one child, Malinda Katharine, who shares with her mother the deep loss of a loving husband and father. Their home was noted for its far-reaching hospitality, and Mr. Miller was never happier than when, with his wife and daughter, he was entertaining friends beneath his own roof. He and his wife belonged to the Baptist church, but he was not active in its work, his religion taking the more practical form of philanthropy and charity. He inspired personal friendships of unusual strength, and all who knew him had the highest admiration for his good qualities of heart and mind.

GEORGE MOSBY DAVISON, of Stanford, is the representative of the eighth Kentucky district in the fifty-fifth congress. A view over the field of men in public life shows few who stand forth more grandly as typical and honored sons of Kentucky than this gentleman. The glory of our republic is in the perpetuation of individuality and in according the utmost scope for individual accomplishment. Fostered under the most auspicious surroundings that can encompass a nation whose people have the will to dare and to do, ours has almost spontaneously produced men of finest mental caliber and vigorous purpose. The cradle has not always been one of pampered luxury; more often that of penury has rocked a child destined for future greatness. American

biography thus becomes, perhaps, of more perfect individuality, in general, as well as in the specific case, than does that of any other nation of the globe. Of America the "self-made" man is a product, and the record of accomplishments in the individual sense is the record which the true and loyal American holds in deepest regard and highest honor. In tracing the career of the subject of this review we are enabled to gain a recognition of this sort of a record; he is a man of broad intellectuality and one who has attained to distinguished honors. A resolute purpose, high ambition, dauntless energy and methods above question are the factors which have led to his success.

Inheriting a delicate frame and weak constitution, the life of Judge Davison has been a constant struggle against adverse circumstances. He is a native of Stanford, Kentucky, his birth having occurred there on the 23d of March, 1855. His parents were poor in this world's goods, but rich in intelligence, high purposes and an untarnished family record. The grandfather, Mosby Davison, of Bedford county, Virginia, was of Irish parentage and his immediate ancestors were among the earliest settlers of the Old Dominion. He married Dorothea Tankersley, who was descended from the Beverlys, Longs and Roys of Virginia, all of English ancestry. They came to America in the early part of the eighteenth century and are mentioned in the "History of Old Families in Virginia," by Bishop Mead. Edward Mosby Davison, a son of Mosby and Dorothea Davison, was born in Washington county, Virginia, and learned the trade of cabinet-maker and carpenter. He was a man of strong character, honest and outspoken. He removed to Stanford, Kentucky, in 1847, where he became a well-known and leading citizen. His death occurred in Stanford, in October, 1888, after twenty years of ill health and many misfortunes.

It has been truthfully said that a mother's influence is the most important factor in molding the lives of men, and Judge Davison, of this sketch, was fortunate in having a mother whose early training left an indelible impress for good upon his character. This lady, Mrs. Martha Davison, who still lives (1897), is a daughter of Zachariah Vaughn, of Culpeper county, Virginia, who came to Garrard county, Kentucky, about 1816. He was a son of Vincent and Elizabeth (Myrtle) Vaughn, both of Culpeper county and of Scotch-Irish lineage. Zachariah Vaughn married Harriett Ball, daughter of Rev. John Ball, a pioneer minister of the Methodist Episcopal church, who removed from Virginia to Garrard county, Kentucky. His wife, Margaret Ball, was a daughter of Rev. Job and Sarah (Mosby) Johnston, of Garrard county, Kentucky, who came from the Old Dominion to this state about 1795.

Judge Davison is the eldest in a family of seven children. His education was obtained in the public schools, the academy of Stanford and in the select school maintained there for some years by Professor J. B. Myers, a man of scholastic attainments and a successful educator, whose influence was widely felt in central Kentucky, many who have there become prominent in commercial and professional life having been his pupils. Judge Davison studied law in the office of J. S. & R. W. Hocker, and was admitted to the bar in 1879. Previously he worked in his father's shop and on a farm at intervals during the period that he was

pursuing his literary and professional education. Such persistence gave evidence of an unfaltering purpose which has been a potential factor in his life-work. He accepted a position in the United States revenue service in 1881, under Colonel A. M. Swope, of the seventh Kentucky district, and in 1883 was transferred to the eighth district, under General W. J. Landram. He soon established a reputation as a careful, painstaking and accurate officer, and filled many important assignments. He resigned his place in the revenue service in 1885 and resumed the practice of law in Stanford, where he has since remained.

In 1886 Judge Davison was appointed master of chancery or commissioner of the Lincoln circuit court, which office he continued to hold until 1893, when he resigned. In 1887 he was elected on the Republican ticket to the Kentucky legislature, overcoming a Democratic majority of more than four hundred, and entered the house as the first Republican representative from Lincoln county. He served on the committees on revenue and taxation, general statutes and code of practice, and took a prominent part in all of the legislation of that session. He was one of the original incorporators of the Republican State League, which had its origin during that term of the legislature, and has been a potent element in the success of the party in the state. The legislature of 1887–8 was remarkable for the high character and ability of its members, many of whom have since been called to the halls of congress: Hon. David G. Colson, of the eleventh district; Hon. David Smith, of the fourth; Hon. John K. Hendrick, of the first; Hon. Albert Berry, of the sixth; Hon. Worth Dickerson, of the sixth; and Evan E. Settle, of the seventh, while others have been honored with consular positions and high office in our land.

Judge Davison has been active in the work of the Republican party in Lincoln county and in central Kentucky. In 1885 he was made chairman of the Republican county committee of Lincoln county and has directed every campaign since that time. In 1888 and again in 1892 he was nominated by his party for presidential elector in the eighth congressional district. He made a vigorous canvass on behalf of the Republican nominees, has been active in the organization of the party in central Kentucky, and largely to his effort is due the successes of 1895 and 1896. In 1889 he refused the nomination of his party for state senator, and again in 1893, and in 1894 declined the honor of becoming a candidate for congress. In the fall of the latter year, and without solicitation, he was made the Republican nominee for county judge of Lincoln county. After a very exciting and bitter contest he was elected by a majority of one hundred and sixty over a popular and prominent opponent, overcoming a Democratic majority of more than four hundred votes, and receiving a larger support than any other candidate on either ticket. He was the first Republican county judge since 1874, and the only one ever elected on a straight Republican ticket; and his election was attributed to his ability and personal worth.

In the spring of 1896 he announced himself as a candidate for the congressional nomination, his opponent for the nomination of his party being Hon. J. Speed Smith, of Richmond, Kentucky. After a hotly contested race he was nominated at the convention in Nicholasville by a vote of ninety-five to fifty-nine. At the election in November he received a vote of more than eighteen

thousand, and ran several hundred votes ahead of the national Republican ticket, while his opponent, Hon. J. B. Thompson, of Harrodsburg, was given over sixteen thousand votes, leaving his majority twenty-four hundred and eighty-two. The election was a high compliment to Judge Davison, for Hon. J. B. McCreary had filled the office for twelve years, being elected by majorities from fifteen hundred to four thousand ; and, again, he is the first Republican that the district has ever sent to congress.

While his time has been largely occupied by his official duties, Judge Davison has maintained a fair law practice, has been connected with many important cases, both civil and criminal, and has an excellent standing at the bar. As master commissioner of the Lincoln circuit court from 1886 to 1893 he discharged his duties with faithfulness, accuracy, and the utmost reliability, and as county judge his course has been marked by the utmost fairness and his decisions show a comprehensive understanding of the law and a complete mastery of the complicated affairs of the county and its institutions.

Judge Davison is honorable and upright in all the relations of life, moral and temperate in his habits, unselfish in his devotion to his widowed mother and the younger members of the family and his friends; modest and unassuming at all times. He is a public-spirited and progressive citizen, thoroughly in touch with modern advancement, and a close student of all questions which concern the public welfare. He is an able speaker whose addresses are characterized by logic, plain statement and clear appeals to the intelligence and not to the prejudice and passions of his hearers. His utterances have the ring of truth and earnest conviction, and, without the adornments of rhetoric, are a strata of facts that are incontrovertible.

WILLIAM HERNDON, of Lancaster, was born in Irvine, Kentucky, January 10, 1843, a son of Elijah and Ann (Crosthwaite) Herndon. Welsh ancestry founded the family in America and the great-grandfather, Jacob Herndon, was a native of Charlotte county, Virginia. The grandfather, William Herndon, was born in the same county and was the owner of a large plantation in the Old Dominion. In 1800 he removed to Winchester, Kentucky, and for nearly a century the history of the Herndon family has been interwoven with that of Kentucky. Elijah Herndon was born in Winchester, January 8, 1812, and in early life was an agriculturist, but subsequently gave his attention to merchandising in Irvine. He served as sheriff of Estill county, first under the constitution previous to 1850, and afterward by election. He also served as clerk of the Estill circuit court. He took a very active part in political affairs and supported the Whig party until the war, after which he became an ardent Republican. His death occurred November 7, 1876. His wife was born January 9, 1815, in Cynthiana, Kentucky, and died in Platte county, Missouri, October 20, 1892.

William Herndon acquired his education in a select school in the county of his nativity and afterward served as deputy clerk of the court under his father. At the same time he engaged in studying law. When eighteen years of age he offered his services to his country, enlisting in September, 1861, as a private of Company B, Eighth Regiment of Kentucky Infantry, U. S. V. Although but

a boy, his loyalty equaled that of the time-honored veteran, and he faithfully followed the stars and stripes until seriously wounded and unfitted for further service. He was first wounded at Dobyn's Ford in 1862, and in January, 1863, was permanently disabled at Stone river.

Mr. Herndon at once returned to his home, and desirous of gaining a better education as a preparation for life's responsible duties he again attended school. He taught school for a time and continued his law studies until his admission to the bar in 1868. While residing in Irvine he was appointed postmaster, in which capacity he efficiently and acceptably served for several terms. He was also employed in the revenue department. Since 1878 he has been a member of the bar of Lancaster, and to-day has no superior in the profession in that city. Entering into partnership with James H. Anderson, an able attorney, now of Louisville, this connection was continued until 1889, since which time Mr. Herndon has been alone. His extensive clientage indicates that he is to-day the leader of the Lancaster bar. His profound legal learning, his thorough understanding of the intricate questions that enter into jurisprudence, his clear reasoning and his logical deductions have gained him the prestige that results from real merit.

From 1878 until 1880 Mr. Herndon served as city attorney of Lancaster; he refused to qualify after re-election. In 1881 he was appointed United States commissioner, but resigned in 1884. In 1886 he was elected commonwealth's attorney for the eighth judicial district, composed of eight counties, and served in that capacity for six years; he retired from office with the unbounded confidence of the public in his integrity and ability. He is one of the most prominent and influential supporters of the Republican party in Kentucky. With one exception he has been a delegate to every state convention of his party since locating in Lancaster, and as a speaker and organizer has done most effective service in its interests. Having closely studied the political situation of the country, his matured judgment gives its sanction to that party which has ever stood for protection, reciprocity and sound money, and has ever been unfaltering in its loyalty to the old flag. In the campaign of 1896 Mr. Herndon gave his support to Major McKinley, and earnestly labored for the success of his party, but has never asked office for himself under the United States. Although a man of strong conviction and fearless in defense of what he believes to be right, he is yet liberal in his judgment of others, according to them the right which he reserves to himself of forming an unbiased and conscientious opinion.

In his profession Mr. Herndon is an indefatigable worker and a close student. His practice has been general and he is proficient in every department of the law. The litigation with which he has been connected has been of a very important character; he has met in forensic combat many of the ablest lawyers of central Kentucky and in the legal arena has again and again won the victor's laurel over competitors of high ability. In arguing a case he is quick to note his opportunity, and the salient points gain new force from his lucid and convincing eloquence.

Mr. Herndon was married, on the 3d of July, 1873, to Miss Helen Kinnaird, daughter of William H. Kinnaird, of Lancaster. They have five children, namely: Horace,

who was educated in Center College, of Danville, Kentucky, and at Miami University, Oxford, Ohio; William Leslie, Ben D., Lewis and Annie Christian. Both Mr. Herndon and his wife are members of the Presbyterian church; he belongs to the Masonic fraternity, the Knights of Pythias and the Grand Army of the Republic. He is entirely free from ostentation and his modest demeanor denotes that true nobleness of character which everywhere commands respect. He is faithful to his friends, devoted to his clients' interests, of unswerving honesty and irreproachable character.

ROBERT McAFEE BRADLEY, of Lancaster, was born in Madison county, Kentucky, on the 27th of March, 1808, and died in Lancaster, Kentucky, on the 27th of August, 1881. Among the remarkable men of his period he stood pre-eminent. Left fatherless at an early age, he manfully struggled for the support of his mother and her family. On this account his opportunities of attending schools were limited, but he realized fully the advantages of a good education and availed himself of every opportunity to add to his store of knowledge. He determined to become a lawyer, and tearing asunder the clouds of impending poverty he saw the star of hope beyond. Being unable to remove to Richmond and prosecute his studies, he read law in the summer while sitting beneath the trees, and continued his studies by the light of a bark fire in winter, going to Richmond occasionally to recite to his kind-hearted instructor, Colonel William Caperton, one of the most profound lawyers of his day. A remarkable affection existed between the two, and years after Mr. Bradley had commenced to practice his distinguished tutor was heard to say, after having suffered defeat at the hands of his former student, "I have raised a club to break my own head." Until about three years since there stood a tree on the banks of Silver creek which was known as "Bradley's law office."

Early in his career Mr. Bradley developed wonderful strength and ability as a land lawyer. His success was phenomenal. He had suits pending for large sections of the state, and by his enemies was given the name of "Land Pirate." In order to prevent his success and quell the rising storm among landholders, the court of last resort gave new interpretations to long-established rules. Time and again Mr. Bradley was threatened with mob violence, but this did not deter him for a moment. He was an unpretentious, quiet man, whose courage was exceeded alone by his modesty. His practice was extremely lucrative, but he died with but little property. His home life was an ideal one; there was never a kinder or more indulgent husband or father. His hand was ever open to the poor, and no man in need ever sought his assistance in vain. Himself an orphan, he was imbued with the tenderest sympathy for that unfortunate class and was ever ready to reach out a helping hand to those denied parental care and the privileges of a home.

Mr. Bradley was in all probability the most effective jury advocate who ever lived in Kentucky. His eloquence partook of the character of nature,—the rush of the torrent, the murmur of the rivulet, the roar of the storm. Every illustration which he used was from nature's storehouse or the Bible, of which he was a constant and earnest reader. Upon one occasion, when engaged in a land suit, a number of witnesses had

testified concerning the dates of certain surveys, and all evidence seemed against his client. His only witnesses were blocks of wood cut from the corner trees and identified by the surveyor and others as coming from the trees named in the calls of the patent under which he claimed. Standing before the jury with one of these blocks, showing the annulations from the mark outward to be greater in number than the number of years established as the date of other surveys, he exclaimed with dramatic force and eloquence: "Man is the creature of an hour. Filled with contradictions and imperfections, influenced by fear, by hope of reward; imbued with prejudice, controlled by motives of friendship or revenge, his evidence is uncertain and unsatisfactory. I bring before you a witness who cannot be bought, driven or controlled. Year by year, in the stillness of the forest, through heat or cold, sunshine or tempest, the great God of the universe with His omnipotent finger here marked the passage of each year. All the waters of the ocean cannot obliterate it; all the testimony of the human race cannot change it. Whom will you believe, God or man?" It is needless to say that he was successful.

His wit and ridicule were overpowering. Brilliant and piercing, nevertheless every arrow was tipped with good will, and however deep the wound no scar was left. Many a deserving case was laughed out of court and all who knew him feared a forensic conflict with him.

Mr. Bradley loved his country with profound devotion, and had a contempt for Anglo-maniacs. Passing with a friend a stately country home he suddenly turned and asked, "What is that on the gate?"—referring to a name on the board. Being told that it was "Bristol Place," he inquired, as if ignorant of its meaning, "What does that mean?" He was answered, "That is the name of the farm." With a merry twinkle in his eye he said, "Well, I will have a name placed on my front gate." "What name?" asked the friend. The response came with hearty good humor and ridicule, "This is the house that Jack built."

He was never a candidate for office, but was a man of profound convictions and sterling independence. He delivered the first speech favoring coercion in Kentucky at the breaking out of the Civil war. He was an ardent friend of temperance and common-school education, in fact favored everything that he believed would uplift and advance the best interests of humanity. He died as he lived, beloved by all, and a halo now shines about his generous deeds, which grow brighter with passing years.

WILLIAM O'CONNELL BRADLEY, governor of Kentucky, was born March 18, 1847, near the city of Lancaster, Kentucky, which is still his home, although the duties of his high office now require his presence in Frankfort. He has descended from one of the heroes who fought for the independence of this nation, his grandfather, Isaiah Bradley, having been a soldier in the colonial army. His grandmother was of Irish descent, belonging to the same family as the Irish patriot and statesman, Daniel O'Connell. Both the Bradleys and the O'Connells were among the pioneer settlers of Virginia. Isaiah Bradley removed to what is now known as Bath county, Kentucky, where for many years he was foreman of the Red River Iron Works. His son, Robert

McAfee Bradley, married Ellen Totten, a native of Garrard county, Kentucky, and a daughter of a prosperous farmer who came to that state from the Old Dominion in an early day, and became one of the most prominent and able lawyers of the state.

His son, William O. Bradley, was educated at home under private tutors and in a private school at Somerset, Kentucky, until fourteen years of age, when he became a page in the state legislature, the first to receive such an appointment outside of Frankfort. His father was a Unionist and when the trouble between the two sections of the country imperiled the national government the younger Bradley became a recruiting officer in the Union service in Pulaski county, although then only fifteen years of age. He twice enlisted in the Union army, but parental authority, exerted on account of his extreme youth, caused his return. When still very young he read law and was licensed to practice by a special act of the legislature before arriving at the age of eighteen. He practiced law in Garrard county until 1870, when he was elected on the Republican ticket to the office of county attorney, overcoming a previous Democratic majority of six hundred. In 1872 he was nominated by the Louisville convention for the position of presidential elector in the eighth congressional district, and the same year was candidate for congress, the opponent of Judge M. J. Durham, who won the election by only six hundred votes, when the district had previously given twenty-five hundred Democratic majority. In 1874 he declined to become a candidate for congress; the following year he received the unanimous support of the Republicans in the state legislature for the position of United States senator. In 1876 he was nominated for congress and received nearly three thousand more votes than were ever polled by any Republican candidate in that district. In 1879 he was nominated for the office of attorney-general of the state, but declined to make the race on account of ill health. In 1880, 1884, 1888 and 1892 he was elected as delegate-at-large to represent Kentucky in the Republican national conventions of those years, and in the first seconded the nomination of General Grant, being one of the "immortal 306." In 1884, at the Chicago convention, he defeated the resolution calculated to reduce the representation of the southern states in national conventions, and in 1887 he was the candidate of his party for the office of governor of Kentucky, at which time he reduced the Democratic majority from forty-nine thousand to seventeen thousand. In 1887 he again received the vote of the Republican legislature for the office of United States senator. In the Republican national convention of 1888 he supported General Alger, of Michigan, for the presidency, and himself received one hundred and thirteen votes for vice-president; while in the Republican national convention in St. Louis in 1896 the delegates from Kentucky, having been instructed by their constituents, urged his name for the presidency. He is to-day recognized as one of the foremost men of his party, and the honors which have come to him are a tribute to his personal worth and capability. In 1880 he was elected by the Kentucky Republicans as their representative in the national committee; in 1884 was chairman of the Kentucky delegation in the national convention; in 1890 was elected a member of the Republican national nommittee; and in 1892 was again chosen for that place, serving acceptably as a member of that committee un-

til 1896, when he resigned. In 1889 he was appointed by the president—an appointment confirmed by the senate—as United States minister to Corea, but declined the honor, preferring to remain in his own country. In 1895 he was nominated on the Republican ticket for the office of governor of Kentucky, and as the standard-bearer of his party, led its hosts to victory for the first time in the history of the state, winning the election by a majority of nine thousand. With the exception of the first candidacy for congress, every nomination which has been tendered him has been unanimous, and it is but justice to say that his election to the highest office in the state against a previously large Democratic majority, is an expression of the confidence and trust reposed in him by the people of his native state, and a belief in his ability to so manage the affairs of his office as to promote the welfare and prosperity of the commonwealth.

At the bar of Kentucky, where so many brilliant reputations have been made, Governor Bradley has won a foremost place. When he entered the executive mansion he was at the head of one of the largest and most lucrative law practices in the state. He has defended one hundred and eighteen murder cases, securing acquittal in one hundred and eight of these; and his success in civil practice has been even more phenomenal. He was retained as counsel in the cases of Dunn versus Salter, Beasley versus Mershon, Anderson versus Sutton, Dillon versus Crooke, Grundy versus the Pine Hill Coal Company, and many other leading cases. In 1884 he was selected by President Arthur to bring civil suits against the "star-route" thieves, but, owing to a disagreement with the attorney-general of the United States as to whom should be sued and how proceedings should be conducted, he withdrew from the cases.

Governor Bradley was married at the the age of twenty years to Margaret Duncan, daughter of B. F. Duncan, of Garrard county, and a representative of both the well known Duncan and McKee families, Major William McKee, who fell at Buena Vista, belonging also to the same family. Mrs. Bradley's grandmother was a sister of Chief Justice George Robertson, of Kentucky, and from their sister, Mrs. Charlotte (Robertson) Letcher, Mrs. Bradley inherited a portrait of their mother and a silver service used by Governor Letcher in the executive mansion in 1840; and now, after more than half a century, both the portrait and the silver are again at Frankfort, the former hanging on the wall where it hung so many years ago, while the latter is used in dispensing the hospitality for which the mansion is so justly noted. Governor and Mrs. Bradley had two children: George Robertson, who died at the age of twenty-four; and Christine. The family attend the Presbyterian church.

Governor Bradley is a fluent and attractive public speaker and possesses in an eminent degree that quality which is known as personal magnetism. His address in the Kentucky department of the World's Columbian Exposition in Chicago, in 1893, was a most brilliant and masterly effort. He is a lawyer of rare ability and unflinching adherence to principle. He is a forcible speaker, eloquent in his presentation of a cause before judge, jury or the people. Courteous to all and of easy approach, he is in every sense a "commoner," truly American in thought and interests, who, though he has won high honors at the hands of his fellow citizens is still one of them.

THOMAS ZANTZINGER MORROW, of Somerset, Kentucky, was born in Fleming county, this state, in 1835. He was a student in Center College, at Danville, and the law department of Transylvania University, after which he located in Pulaski county for the purpose of engaging in practice. In 1858 he was elected county attorney. In 1861 he helped organize the Thirty-second Kentucky Regiment for the support of the national government, and served as its lieutenant-colonel for nine months. He was elected representative to the legislature for the term of 1861–63, and from 1865 to 1869 he was state senator. He was a delegate to the national Republican convention at Cincinnati in 1876, and that year was elector for the state at large. In 1880 he was alternate for the state at large to the Chicago convention, and in 1883 the nominee of the Republican party for governor of the state. In 1891 he was elected judge of the circuit court for the twenty-eighth judicial district, and has filled the office with dignity and to the entire satisfaction of the citizens and of the bar. In fact, every public position he has been entrusted with he has filled in such a manner as to command the respect and confidence of the public.

He is courteous and kindly in his intercourse with men, firm and strong in his adherence to principle, a man of broad culture and a leader in his party.

For his wife he married a daughter of Robert McAfee Bradley, elsewhere noticed in this volume.

DAVID BOWLING REDWINE, of Jackson, present circuit judge of the twenty-third judical district of Kentucky, is of good old Virginia stock, but is himself a native of the state he serves so ably and loves so well. There is a well authenticated tradition in the Redwine family that the most remote paternal ancestors of whom they have any record or knowledge came from Prussia about two centuries ago and settled in the Old North state, whence so many of those hardy pioneers whose descendents now people eastern Kentucky, removed to Virginia, and whence sprang a civilization which is second to none in point of industry, frugality, sturdy patriotism and persistent determination. The Judge is a son of Albert T. Redwine, an energetic and successful farmer, who was raised in Russell county, Virginia. His mother was Miss Mary Pace, a good woman whose ambition it was to impress upon her children the importance of industry and the cultivation of the moral graces.

Judge Redwine was born in the mountain county of Floyd, on the 3d day of December, 1855. He has just passed his forty-first birthday, and is in the full vigor of a robust physical and intellectual manhood. His father and mother, with their two older children, following that ceaseless stream of hardy settlers who were continually leaving the eastern for the western slope of the mountains, had removed from Virginia to Floyd county, Kentucky, the year before and had taken up their abode among the foot-hills on the waters of the Sandy. The family continued to reside in the counties of Floyd and Magoffin until the spring of 1866, when they sought and found a home on the Little Sandy river in the adjoining county of Morgan, four miles from Martinsburg, the present county seat of Elliott county, which at that time had not been established. There the six brothers

L. P. D. Reduine

and three sisters grew to manhood and womanhood, and there the father and mother still reside. David acquired his education in the common and private schools of the country, taught in the public schools for five or six years; and, with two other brothers, chose the law as a profession. He read law in the office of his elder brother, the Hon. M. M. Redwine, now commonwealth's attorney of the Twentieth district. A fourth brother adopted medicine as a life calling and the other two are merchants. All are strong, prosperous men and have the entire confidence of the public in their respective localities.

Being admitted to the bar in 1880, the young disciple of Blackstone and future jurist devoted himself with assiduity to the further study of the law and the mysteries and intricacies of its practice in the county town of his home county for two years, and then realizing that "once to every man and nation comes a moment to decide," he concluded to locate at Jackson, Breathitt county, which by reason of its favorable location and the natural resources and advantages of the country surrounding it and tributary to it, was beginning to attract the attention of men of capital and enterprise from other sections and other states and the young lawyer foresaw that their activity was his opportunity. In pursuance of his well matured resolution, he took up his residence in Jackson in February, 1882, and began the practice of his profession, devoting all his time, energy and talent to active participation in the work of the courts, great and mall. He did not "despises the day of small things," but did what he could get to do in the line of his life work with an industry and enthusiasm which won friends and clients and soon established him in a lucrative practice. Being ambitious to serve the public in an official capacity he sought and was elected to the office of county attorney in August, 1886. In this important position he discharged every duty with characteristic energy and fidelity, giving general satisfaction to the people who had honored him. In August, 1889, he resigned that position to become a candidate for representative in the state legislature from the district composed of the counties of Breathitt, Morgan and Magoffin. His aspirations were again successful and he was chosen. In the general assembly he served on the more important committees and was conspicuous for his close application to business, his persistent efforts to acquaint himself with the duties he had to perform, and for his indefatigable industry which is the only key to success. He took an active, intelligent and influential part in most of the important legislation of the session and secured the passage of a bill to create a common-pleas court, which embraced a large section of eastern Kentucky, where the administration of justice had been sadly obstructed by the fact that the district was unreasonably large and criminal cases occupied all the time in the court to the exclusion of civil business. He was also prime mover of a bill to establish a state normal school at Jackson, and made in behalf of the project an earnest and powerful appeal. His scheme was well nigh successful and the aggressive struggle made to accomplish it was creditable to its author.

Returning to Jackson at the close of the session, he resumed the practice of the law and gave it his undivided attention until July, 1892, when he was nominated by the Democratic convention which met at Beattyville for the honorable position he now occupies, judge of the circuit court. The

other candidates before the convention were ex-Circuit Judge Robert Riddell, Hon. S. H. Patrick, then common-pleas judge, and the Hon. Thomas C. Johnson, a well-known member of the bar.

It has been said that Judge Redwine has always been "lucky," and in a sense that is true. It is also equally true that he has been "plucky," and has succeeded because he deserved success. His pure private life, his legal qualifications and his availability made him easily the logical candidate, and all eyes were by common consent turned to him. In the contest which followed there was "war to the knife and the knife to the hilt." It was acrimonious from start to finish, the Republicans having nominated the then incumbent of the office, the Hon. H. C. Lilly, a lawyer of long and well-established reputation, an able jurist and an experienced political campaigner. Every inch of ground was closely contested, and popular interest was excited to the limit. Judge Redwine was victorious by the very complimentary majority of four hundred and forty-three, which far exceeded the party vote. Judge Redwine assumed the bench under circumstances somewhat trying, a new state constitution having been adopted the year before and practically new statutes having gone into effect. There were many new forms and novel provisions, all requiring construction and application, and all over the state there was evidence of confusion and inharmonious proceeding in the courts.

Without show or ostentation, applying plain common sense to every question, and with a determination to do the just rather than the expedient thing, Judge Redwine has made an honorable record on the bench. It has been safe and conservative. The public business has been expedited, law and order have been maintained, and that he has given great satisfaction as a judge is attested by the fact that in the Democratic primary election held in October, 1896, he was re-nominated for the judgeship by the handsome majority of fourteen hundred and eighteen, carrying every county in the district. He was opposed by Judge S. H. Patrick, former common-pleas judge, a lawyer of unquestioned ability and an exceedingly popular gentleman. The people can feel safe with the scales of justice in his hands. He is honest and fair, courteous to the bar and people, and always industrious and attentive to his duties. He has given much attention to the study of his profession, and is a man of strong practical common sense.

He joined the Methodist church when quite young, and has lived a moral, sober life. He has vigorously enforced the law against all evil-doers, and has taken especial interest in breaking up the illicit sale of spirituous liquors in his district. No judge in the commonwealth is more heartily in favor of law and order or deals out justice with a more even hand. He is an ardent Democrat of the Jeffersonian school, although never a partisan on the bench, he yet takes a lively interest in every political movement. He is a warm, devoted friend and a public-spirited, useful citizen, whose influence and example are always for good in his community. Judge Redwine is one of that class of younger public men to whom the Democratic party of his section must look to maintain its popularity and power. He has done honor to every place that he has filled, and every year of service on the bench renders him better qualified to adorn the great position which has so much to do with the happiness and security of the people of his district.

J R. SAMPSON, of Middlesboro, was born at Glasgow, Kentucky, April 26, 1852. He is the son of Judge William Sampson, chief justice of the court of appeals of Kentucky, whose life record is elsewhere given at length.

Deprived of his mother and father by death before he was fifteen years of age, he lost that guidance so essential to youth. However, his maternal aunt, the wife of Judge I. W. Edwards, supplied his parents' place. His early education was acquired in the common schools of Louisville and the law department of the University of Louisville, of which he is a graduate, having received the degree of LL. B., in March, 1871.

He entered on the practice in Louisville, but in 1876 removed to Columbia, Kentucky, and entered into a partnership with J. R. Hindman. He continued there until 1883, when he removed to Williamsburg, then taking on a new growth, and practiced in the counties of Whitley, Knox, Bell and Harlan. In 1889, the development which resulted in the building of Middlesboro by large English companies having progressed to a point where it required the constant attention of counsel, he was employed by said companies and that year removed to Middlesboro, where he has since remained as their attorney. In 1893 he became associated with J. A. Chapman, a native of South Carolina, who settled in Middlesboro early in its building, as the retained attorney of those interested in its progress. The firm of Sampson & Chapman has since continued, and is now, 1897, one of the best known in southeastern Kentucky, representing large corporate interests,—in one of the most wonderful of the wonderful cities of America,—to the satisfaction of their clients and to the upbuilding of the city of their adoption.

Judge Sampson was the trusted county attorney for Adair county from 1878 to 1882; Democratic elector for the eleventh congressional district in 1888, and canvassed the district in behalf of Mr. Cleveland's candidacy for the presidency; and was judge of the city court in Williamsburg from 1884 to 1885.

Wherever he has resided he has gained the confidence and esteem of the citizens, and has been called upon to accept office in the line of his profession, filling the positions assigned to him with credit to himself and acceptably to the people. He has ever been a consistent advocate of Democratic principles and an adherent of the party; but on the promulgation of the Chicago platform of 1896 he espoused the cause of sound money and was a delegate to the Indianapolis convention which nominated Palmer and Buckner, and gave the principles enunciated there his most hearty endorsement and support.

Mr. Sampson is interested in the Masonic order and a member of the Royal Arch Chapter and Scottish Rite. He is a close student of his profession and an indefatigable worker, making careful preparation of his cases. He has a fine library in his offices at Middlesboro and Hineville, the county seat. As a speaker he is clear and forcible, presenting his arguments in excellent order and choice language.

Mr. Sampson was married, April 21, 1880, to Miss Bettie Craven, daughter of Timoleon Craven, deceased, a lawyer of note and ability of Adair county, Kentucky. The children of their union are William, John Edwards, Richard Johnson, Mary Virginia and Felix Montgomery Sampson.

Both Judge Sampson and his wife are consistent church members and interested in every movement tending to uplift and educate the poor, the ignorant and the depraved.

JOHN PRESTON SALYER, of West Liberty, Kentucky, was born in Floyd county, this state, on the 9th of February, 1855, and died March 13, 1897, at West Liberty. His father, Samuel Salyer, was a native of Virginia, born in 1813, and emigrating to Kentucky became a man of considerable prominence in Floyd county. In 1859 he was elected to represent his district, composed of Floyd and Johnson counties, in the general assembly. Through his instrumentality the county of Magoffin was organized, and its county seat, Salyersville, was named in his honor. His prominent identification with the development and interests of that section of Kentucky engraved his name permanently on the annals of the state. He married Margaret Prater, of German descent and of a thrifty and industrious family.

John Preston Salyer received a good academic education, and one of his earliest independent efforts in life was the discharge of the duties of clerk of the circuit court. His faithfulness and fitness in that office attracted the attention of two well-known jurists, Judge James E. Stewart and W. C. Ireland, both of whom urged him to take up the study of law and make its practice his life work. This he did in 1876, becoming a student in the office of Judge Stewart, where he diligently pursued a thorough course, and was admitted to the bar in Louisa, Kentucky, in 1877. For a short time he engaged in practice in partnership with Colonel John T. Hazelrigg, at West Liberty, Kentucky. Subsequently he removed to Mount Sterling, Kentucky, where for three years he was in partnership with Judge E. C. O'Rear. For some time, however, he was a member of the bar of West Liberty and was accounted one of the leading attorneys of that place. In 1876 he was elected to the position of clerk of the Magoffin circuit court and served in that capacity for six years. He was also clerk of the United States senate for five years and was elected to represent the thirty-fourth district of Kentucky in the state senate for a term of four years. His official duties, always in the line of law or legislation, served to make him all the more fully equipped for the handling of his legal business, which came from a large clientage.

Mr. Salyer stanchly supported the Democracy, and was unalterably opposed to fiat currency, believing in the financial policy of the government as set forth by Palmer, Carlisle, Whitney and other eminent leaders of the party. He belonged to the Masonic fraternity, in which he was exalted to the sublime degree of a Royal Arch Mason. He married Emma C. Hazelrigg, daughter of Colonel John W. Hazelrigg, and their children are Glenn W. and Genoa B.

ROBERT BOYD, of London, was born in Whitley county, Kentucky, on the 11th of December, 1833, at the family homestead, a river farm situated in the foot hills of the Cumberland and bordering the river of that name. His father, Samuel Boyd, devoted his energies to agricultural pursuits and spent his life in Whitley county, where his birth occurred. The grandfather, Robert Boyd, a native of the north of Ireland, took up his residence in Virginia

at the time of his emigration to America, and, leaving the Old Dominion, cast his lot with the pioneers of this commonwealth. When the country became involved in the second war with England Samuel Boyd entered the service and fought in the ranks of the Kentucky volunteers against the British and their Indian allies. He wedded Miss Mary Ann Sears, whose parents were of English ancestry and came to Kentucky at an early day. Samuel Boyd departed this life in 1838; his wife, surviving him many years, passed away in 1863.

Robert Boyd was the sixth in their family of seven children. He early became familiar with the labors of the farm, where he worked until eighteen years of age, with little opportunity to secure an education. He had attended the neighborhood school to a limited extent, but this did not satisfy the ambitious nature of the young man, who realized the importance of mental training as a preparation for life work, and he entered the school at Barbourville, where he remained for two years. The following year he spent as a student in Center College, Danville. In the meantime he had frequently attended the sessions of the court in Barbourville and had become imbued with a desire to make the practice of law his life work. Silas Woodson, afterward governor of Missouri, and Hon. Samuel P. Miller, later associate justice of the United States supreme court, were then practitioners at the Barbourville bar, and it was largely through their counsel and encouragement that he was led to prepare for the legal profession. Returning to Barbourville he read law under the preceptorship of Green Adams, circuit judge and later congressman for several terms, then went to his native county, where he taught school to acquire means to further prosecute his legal studies. In August, 1856, he was elected clerk of the circuit court for Whitley county on the American ticket, that party being then a prominent factor in the political world. In 1858, while still serving as clerk, he was admitted to the bar. The expiration of his official service occurred in August, 1862. He removed to London, Laurel county, in 1863, and entered into partnership with W. H. Randall, a prominent lawyer who had just been elected to congress, leaving Judge Boyd in care of a large practice. His duties as clerk of the court had given him a practical knowledge of the workings of a court-room and his study and investigation had furnished him with a broad knowledge of the principles of law, so that he was especially well equipped for his profession. From the beginning his career was a successful one, and few cases of importance have been tried in either the civil or criminal courts, where he has not been retained as counsel for either the defendant or the plaintiff. He was associated with Messrs. Pearl & Farris for the defense in the trial of W. H. Champlin, charged with the murder of his wife; of Hannah Sampson, charged with the murder of her stepchild; in the trial of James Butler, of Knox county, for murder, he was associated with Judge Randall, Colonel S. M. Barnes, M. S. Rice and John Dishman,—all prominent lawyers, and, although a verdict of guilty was rendered and the man was sentenced to hang, they succeeded in obtaining a new trial in the court of appeals and Butler was acquitted on the grounds of moral insanity on the second trial.

Judge Boyd gives his political support to the Republican party, and has been honored with a number of political preferments.

While serving as clerk of the circuit court of Whitley county he was also superintendent of schools for one year—1862. In 1867 he was chosen to represent his district in the state senate, the only Republican state senator elected in Kentucky that year, and was one of six Republican members of the senate, five senators holding over until 1871. He was re-elected state senator in 1871, and with one exception he was the only Republican in the upper branch of the general assembly. Thomas Wrightson was elected from Campbell county that year. In 1875 he was the Republican candidate for the office of lieutenant-governor on the ticket with Hon. John M. Harlan, now associate justice of the United States supreme court. They were defeated, but the confidence reposed in them by the public was shown by the fact that they reduced the Democratic majority from about sixty thousand to thirty-eight thousand. In 1876 he was a delegate-at-large from Kentucky to the Republican national convention at Cincinnati, which nominated Rutherford B. Hayes for the presidency, and the same year was a candidate for congress, but was defeated by Thomas Turner, of Mt. Sterling, by the small majority of three hundred and ninety-three votes. It was a defeat that almost amounted to a victory, for thus greatly reducing the Democratic vote was an indication of his personal popularity and the high regard entertained for him in the community where he had so long lived. In 1884 he was a delegate to the Republican national convention in Chicago, which nominated James G. Blaine. In 1886 he was elected judge of the circuit court for the fifteenth judicial district, without opposition, and, on the expiration of his term in 1893, declined a re-election in order to devote his attention to the practice of law. He is local attorney for the Louisville & Nashville Railroad Company.

Judge Boyle has also been active in developing the coal interests of southeastern Kentucky, and has been identified with the advancement of many enterprises calculated to promote the general welfare. He is a public-spirited and progressive citizen, and has been a true friend to many young men by providing them with the means of securing an education and placing them in positions where they would be able to help themselves. He is a member of and deacon in the Christian church. He possesses one of the finest libraries in his section of the state, and is a scholarly gentleman, who has a wide acquaintance with the best writings of ancient and modern times.

ROBERT P. LETCHER, governor and member of congress, was a native of Goochland county, Virginia. When but a youth he came to Kentucky, and after service in the war of 1812 he began the study of law under Humphrey Marshall. He practiced in Garrard county until 1840. He frequently represented his district in the state legislature, and from 1823 to 1833 was a member of congress, serving with credit to himself and honor to his country. He was elected to the house in the Kentucky legislature, and in 1837 and 1838 was speaker of the same. In 1840 he was elected governor of Kentucky; in 1849 was appointed minister to Mexico, and in 1853 was again a candidate for congress, but was defeated by John C. Breckinridge. He died January 24, 1861. He was an able lawyer, and distinguished for his patriotism and devotion to the best interests of the country.

L. B. Logan

CHARLES W. MILLIKEN, of Franklin, has for almost half a century been identified with the bar of Simpson county, and throughout that period has occupied a position of prominence in the profession. Success, resulting from close application, careful preparation and fidelity to the interests entrusted to his care, is his.

Mr. Milliken has been a resident of Simpson county since his second year. He was born in Graves county, Kentucky, on the 15th of August, 1827. Completing his literary education by graduation in 1849, he took up the study of law and has since followed the profession. For four years he filled the office of county attorney, and in January, 1867, was appointed commonwealth's attorney for the fourth judicial district to fill a vacancy. The following August he was elected for the unexpired term, and in August, 1868, was re-elected for a full term of six years, serving in that capacity until February 24, 1872, when he resigned. His political support is given the Democracy, and on that ticket he was elected to the forty-third congress and re-elected for the succeeding term. His congressional record is commendatory, for with untiring zeal he advocated many measures of great value to the welfare of the country. His law practice has been extensive, embracing connection with much of the important litigation heard in the courts of his district. He is an able lawyer and a courteous, affable gentleman.

DANIEL BOONE LOGAN, of Pineville, was born in Carter county, Kentucky, on the 23d day of April, 1858. By his life he has honored the name which he bears and which is so inseparably connected with the history of the state. The family name, too, is closely interwoven with the annals of Kentucky, for the great-grandfather, James Logan, came to the wild and undeveloped region known as the "Dark and Bloody Ground" long before there was any attempt at government organization. William Logan, a native of Scotland and the first of the family to come to America, settled in North Carolina, whence he removed to Kentucky, locating near Shelbyville. James Logan was then a child. He afterward participated in the Indian wars and was shot, scalped and left for dead at the battle of Blue Licks, but life was not extinct and many years afterward he told the tale of the cruelty and treachery of the savage.

Tobias Logan, the grandfather, was born in Fleming county, Kentucky, in 1796, followed farming there until 1853, when he removed to Carter county, where he died in 1870. His son, James Fleming Logan, father of the subject of this sketch, was born in Fleming county and after the removal to Carter county carried on agricultural pursuits there until 1869, when he went to Greenup county, where his death occurred, December 5, 1869. During the Civil war he served in the quartermaster's department in the federal army. He married Nancy McGlone, also a representative of one of the first families to make a permanent settlement in Kentucky.

Daniel B. Logan spent the days of his childhood and youth in the county of his nativity and pursued his education in the high schools of Grayson, Bethel and Morehead. For ten years he devoted his life to educational work and was employed as a teacher in Rowan, Fleming, Carter and

Bath counties. In the meantime, however, he determined to engage in the practice of law and devoted his leisure hours to the perusal of the various text-books of law, familiarizing himself with the elemental principles whereon all jurisprudence rests.

In 1885 he was appointed master commissioner of the Rowan circuit court by Judge A. E. Cole, and while holding that office for two years he read law, and was admitted to the bar in 1886. For four years he was numbered among the practitioners at Morehead, and during that time rendered a signal service to the county in upholding the law and suppressing a spirit of disobedience that seriously threatened all interests of the community. What has become known in history as the Rowan county feud was then at its height, the followers of Craig Toliver and Cook Humphreys setting at defiance all law and authority and carrying out their own abusive purposes toward one another with no regard for the officers of the law, who under the state government had been selected to maintain peace and order. At this crisis Mr. Logan went personally to Governor Knott with the request that he send troops into Rowan county to suppress lawlessness. The governor replied that he had twice sent the state guards to Rowan county to maintain order at a large expenditure of the state's money, but that order thus maintained continued no longer when the soldiery was withdrawn, and that as the executive of the commonwealth he could not and would not again order the state troops into Rowan county until the local authorities had exhausted their power or had made at least a reasonable effort in good faith to enforce the law. Returning to his home Mr. Logan organized a body of men to accomplish the arrest of those of the Toliver faction charged with the murder of his kinsmen, W. H. W. and J. B. Logan, and, together with the sheriff of Rowan county, led them into Morehead, June 22, 1887, for that purpose, with a result that has become a part of the history of the state. Mr. Logan displayed remarkable courage in this measure to secure justice and right; his valor equaled that of the soldier who stands before the cannon's mouth on the field of battle, for the reckless condition of the faction made it impossible to tell when they might take his life. As a result of this brave and determined movement, order was once more restored and peace reigned where lawlessness had recently ruled.

In 1891 Mr. Logan moved from Morehead to Pineville, where he has since successfully engaged in the practice of law. He is uniformly regarded as one of the leading practitioners of southeastern Kentucky. His character is one of great strength, adherence to right and absolute fearlessness in the discharge of duty. He is a well-balanced man, physically and mentally, and in every walk of life is admired for his unswerving loyalty to the truth. He is now (1897), and has been for two years, a member of the board of directors and vice-president of the First National Bank of Pineville.

In January, 1884, Mr. Logan married Miss Lizzie Evans, daughter of Captain Benjamin Evans, deceased, of Morehead. They have four children: Gertrude F., Virginia M., Benjamin F. and D. B. Logan, Jr. Mr. and Mrs. Logan occupy an enviable position in the social circles of Pineville, where their kindly and charitable natures make them welcome. He is also a member of several benevolent orders, including the Mason and Maccabee fraternities.

WARREN MONTFORT, of Pineville, was born October 2, 1834, in Switzerland county, Indiana, where his parents, who were residents of Henry county, Kentucky, were visiting. He died in Pineville, Kentucky, February 1, 1897. His father was John C. Montfort, of Henry county; his mother, Mary (Bergen) Montfort, daughter of George Bergen, of Shelby county. Both the Montforts and Bergens were from ancestry connected with the Netherland Colonization Company in the early settlement of New York and New Jersey, and both families were represented in the pioneer immigration into Kentucky.

Warren Montfort was educated at Center College, Danville, read law under his father's instructions and under the guidance of Edmund H. Thomas, Sr., at New Castle. In 1857 he entered in the practice at St. Louis, Missouri. In 1861 he joined the southern army, continuing with it to the end of the war, and at its close settled at New Castle and resumed the practice in 1865. He was commonwealth's attorney from 1874 to 1880 and circuit judge of that circuit from 1886 to 1892, and at the close of his term as circuit judge he removed to Pineville, where he engaged in active practice until his death. He was much beloved by the bar and respected by all as a man of highest integrity of character.

He was a Democrat of the Cleveland school, and in the canvass of 1896 made many speeches in advocacy of sound money and good government.

Mr. Montfort was married in St. Louis, Missouri, December 8, 1858, to Miss Mary L. Murphy, daughter of James Larue Murphy, of Charleston, Virginia, who, with two children, Paul Montfort and Mrs. C. G. Ford, survives him.

THE SCOTT COUNTY BAR.

BY L. L. BRISTOW, ESQ., GEORGETOWN.

FROM the days when old Judge Jesse Bledsoe wore the judicial ermine, and Henry Clay and William T. Barry came over from Lexington to break legal lances on each other's shields, on down through a long line of famous men, the Scott county bar has done its share toward maintaining the high reputation of Kentucky for legal and forensic ability.

Among the very early members of the bar here may be mentioned Edgecomb P. Suggett and Judge Samuel Shephard. Probably a little later, although contemporary with them, came Carey L. Clarke, William Warren, John C. Miller, Uriah Chambers and Robert P. Henry, all of whom are well remembered by the oldest residents of the Blue-Grass region as men of more than ordinary ability. But the two Johnsons of that period, John T. and Richard M., both lawyers, attained national reputation. Richard M. Johnson was a congressman from 1807 to 1819, and from 1829 to 1837, United States senator from 1820 to 1829, and vice-president of the United States from 1837 to 1841. John T. Johnson served two terms as congressman, from 1821 to 1825. In later life he became a prominent minister of the Christian church and a co-worker with Barton W. Stone and Alexander Campbell.

Religion made other inroads into the Scott county bar in those days. The talented John A. Gano and that devout Baptist divine, Silas M. Noel, each began life as members of this bar along back in the early part of this century. To this era may also be added the Flourneys (Notley and General Thomas C.) the latter famous in murder trials, and, if living now, would be an ardent Prohibitionist, as he was then a temperance orator. It would hardly do to close this period without mentioning the name of Henry P. Harn, another Georgetown lawyer, who went from here to California and represented that state for several terms in the United States senate.

So it will be seen that the beginning of the bar in Scott county was propitious. The next era was equally so. It was the period of the "Old and New Court" controversies. In 1825, Madison C. Johnson obtained from the "Old Court" a certificate of ability to practice. His brilliant examination caused them to grant the certificate with added encomiums as to his fitness. Hon. Robert J. Breckinridge made the motion for his admission at the next term of the circuit court and was met with an acrimonious refusal from Judge Jesse Bledsoe, who was an advocate of the "New Court." "Young man," said he, glancing over his glasses at Johnson, "this court doesn't know any such body as that spoken of in this paper."

This occurrence will illustrate the bitterness of the great controversy then being

waged in Kentucky. The "body" referred to by Judge Bledsoe was composed of John Boyle, William Owsley and Benjamin Mills, —constituting the "old court"—three of the brightest jurists that ever graced the court of appeals bench. This incident will also explain the brilliant additions to the bar during that period. The controversies arising out of the "Old and New Court" debates, brought out the best abilities of the respective followers of the two sides of the question. Coincident with the admission of Madison C. Johnson was that of James Fisher Robinson, for many years the mentor of the Scott county bar, and who, in August, 1862, became governor on the resignation of Beriah Magoffin. He was a pupil of William T. Barry; he was ever a careful pleader and a strong advocate, but his old instructor caused him to lose one of his first cases in a most unexpected manner. Robinson had brought suit on a promissory note, which differed in no wise from the ordinary note of hand. He proved his case conclusively, even the defendant admitting that she had given the note for value received; but the defendant was the plaintiff's mother. On cross examination, Barry simply asked the several witnesses as to the kinship between the parties, and on this rested his case. When he arose to argue, the bar was at a loss to understand how he could proceed. He began by delivering a eulogy upon the self-sacrificing devotion of mothers to their children, and from this led up to the case before the court. Pointing with pathetic eloquence to the old gray-haired mother, he claimed that in raising so worthless a son she had paid all the debts she could possibly owe him. He depicted, her long, weary days and sleepless nights of untiring care and devotion, and closed his speech by turning the batteries of his wrath upon the plaintiff, who cowered beneath the fire of the lawyer's pitiless castigation. The jury were wonderfully moved and the tears were trickling down old Judge Bledsoe's cheeks. Robinson presented the law, which was clearly in favor of the plaintiff, but the jury brought in a verdict for the defendant.

Contemporary with them between the years 1825 and 1850, were the following well-known, and in some cases brilliant, lawyers: Manlius V. Thomson, Robert J. Ward, William G. and Jefferson Craig, Joseph Lisle, Lucien B. Dickerson, Alvin Duvall, and Euclid L. Johnson (a brother of Madison C.). Robert J. Ward became prominent in politics, and was for several terms speaker of the Kentucky legislature. Thomson was lieutenant-governor under Robert P. Letcher. Lisle was a law partner of Alvin Duvall's, and like him, delighted in a forensic encounter. Duvall will be best remembered in connection with the court of appeals, of which he was for several years a distinguished member. Lucien B. Dickerson is credited with having been one of the ablest lawyers of his period, but lacked the energy that brings success, and so gravitated into the easier birth of the clerk of the court.

While the above named attorneys were in the prime of their practice, another younger set were beginning to gain a foothold at the Georgetown bar! Among these may be mentioned John C. Breckinridge, P. L. Cable, Marcellus and Jefferson Polk, Benjamin F. Bradley, George W. Viley and Milton Stevenson. Breckinridge soon removed to Lexington. Cable was a quiet, studious lawyer who came here from the north.

He was more at home in the chancery branch of the practice. Benjamin F. Bradley, who died recently, was a partner of Cable's. Major Bradley led an honored career, both as a lawyer and as a public official; he has served his county as circuit clerk and state senator, was also a member of the Confederate state congress for Kentucky. Jefferson Polk is still living and is a member of the Des Moines (Iowa) bar. Cable also went west, where he acquired both fame and fortune. He is better known through his son, the Hon. Ben Cable, of Chicago. Stevenson is still in practice here. He has given to the bar two sons, who are leading attorneys of Iowa, both having begun their practice here, viz., Judge T. F. Stevenson, of the Des Moines circuit, and Judge Evan C. Stevenson, of Rockwell City.

About the beginning of the war several attorneys were added to the Scott county bar who afterward gained considerable reputation in legal circles. Of these William S. Darnaby, George E. Prewitt, Joseph F. Adams, Samuel Long and James Y. Kelley were the most prominent. Judge Prewitt, before coming here, had been a member of the Missouri bar. He is still in active practice. Aside from his career as a successful attorney, he filled the office of master commissioner of the Scott circuit court in a very satisfactory manner for a number of years. Colonel Darnaby was one of the best advocates at the bar. He was a logical, forceful speaker, and a ready, tactful pleader. Long succeeded Prewitt in the office of master commissioner. He and Darnaby were each in the prime of successful practice when removed by death. Major Adams served as commonwealth attorney for this judicial district for several years after the war, and then emigrated to Texas, and is now a leading attorney of Fort Worth.

Of those members of this bar who have come into the profession since the war, may be mentioned Henry V. Johnson, now United States district attorney of Colorado; Mat. S. Bradley, of the Chicago bar; Frank and Evan Stevenson, above referred to; Homer S. Rhoton, whose official duties as city judge and county treasurer took him out of active practice; and Senator R. A. Board, whose recent death was greatly deplored by his constituency.

The scope of this article will admit of only a brief mention of the present members of the bar. James E. Cantrill, twice a member of the legislature, and lieutenant-governor 1879–83, is now (1897) the presiding judge of this judicial circuit; George V. Payne, county judge of Scott county for several terms, is still an active practitioner; Hon. W. C. Owens has been county attorney, member of the legislature, speaker of the Kentucky house, and member of congress from the Ashland district, 1894–96; James F. Askew, late member of the constitutional convention, is at present master commissioner; other active, estimable practitioners are James B. Finnell, the law partner of Hon. W. C. Owens, and late nominee for attorney general on the Prohibition ticket; H. P. Montgomery, a careful and successful lawyer; Victor F. Bradley, the present county attorney; Hon. R. E. Roberts, late member of the legislature; James K. Glenn, county superintendent of schools; T. S. Gaines, formerly judge of the municipal court; J. C. B. Seebree, Frank M. Ford, L. F. Sinclair, Nathaniel S. Offutt, John M. Stevenson, Ben T. Quinn, Judge James Y. Kelly, and L. L. Bristow. These constitute the present bar of Scott county.

LOUIS L. BRISTOW, of Georgetown, is a native of the state which is still his home. He was born in Kenton county, February 28, 1854, and comes of a family of English origin. The first American member of the family settled in Middlesex county, Virginia, in the latter part of the eighteenth century. The founders of the Kentucky branch were James and John Bristow, of Buckingham county, Virginia. This John Bristow is the great-grandfather of the present assistant postmaster-general of the United States. James Bristow settled first in the "Green river country," and then removed to Bourbon county, where he reared four sons,—John, Gideon, Archibald and James, Jr. John never married; Gideon removed to Indiana; Archibald was a prominent Baptist preacher ,and father of Congressman Francis Bristow, the father of General Ben. H. Bristow, secretary of the treasury under President Grant. James Bristow, Jr., removed to Boone county, Kentucky, and reared a family, among whom were Reuben L. Bristow, the father of the subject of this sketch. Louis L. Bristow's mother was Statira Stephens, daughter of General Leonard Stephens, of Kenton county, whose family came to this state from Orange county, Virginia, in the year 1807.

Louis L. Bristow pursued a classical course of study in Georgetown College, and was graduated at that institution with the class of 1876, after which he entered the law department of the University of Virginia, where he was graduated in 1879. He entered upon the practice of his chosen profession at Covington, Kentucky, in 1880. He spent some years in travel through the United States, visiting all portions of the country from Florida in the south to Dakota in the north, seeking health, recreation and experience, and gaining that broad knowledge and culture which only travel can bring.

In 1894 he returned to the practice of law and opened an office in Georgetown, Kentucky. He is a writer of merit, and at various times has contributed articles to the press. He is a painstaking, careful lawyer and a concise, vigorous speaker.

In 1887 Mr. Bristow was united in marriage to Miss Alice Rucker, a daughter of Professor J. J. Rucker, of Georgetown College, for whom their only child, J. J. Rucker Bristow, is named. Mr. Bristow is a Democrat in politics, and in the memorable campaign of 1896 gave his support and influence to the "sound-money" branch of his party.

RICHARD M. JOHNSON, the third son of Colonel Robert Johnson, of Scott county, was born in Kentucky, in the autumn of 1781, and died at Frankfort, in 1850. At the age of fifteen he entered a country school, where he acquired a knowledge of grammar and the rudiments of the Latin language. Later he entered Transylvania University. He began the study of law under the guidance and instruction of George Nicholas, and after his death continued his studies under Hon. James Brown, afterward a senator in congress from Louisiana and minister from the United States to the court of France.

At the early age of nineteen Mr. Johnson entered upon the arduous duties of his profession. As a lawyer he was eminently successful, and displayed the same active energy of mind and benevolence of heart which so eminently distinguished him in higher and more responsible stations. He

despised injustice and oppression, and never omitted an occasion to render his services, without prospect of reward, where honest poverty or injured innocence was found struggling against the oppressions of wealth. The inability of a client to pay a fee never deterred him from attending assiduously to his cause, no matter how intricate and laborious were the services.

The citizens of Scott county elected him, by acclamation, a member of the legislature. Having served two years, 1804–5, in that station, he was elected a representative in the congress of the United States and in October, 1807, he took his seat in that body. In 1811 our relations with Great Britain were such as, in the opinion of many, to render an appeal to arms inevitable. Richard M. Johnson supported with great energy all the preparatory measures which the crisis demanded, and in June, 1812, voted for the declaration of war. This important measure was shortly afterward followed by an adjournment of congress, when he hastened home, called around him many of the best citizens of his neighborhood, schooled in the stormy period of the early settlement of the state, and prepared for active field service. With a battalion, composed of three companies, he hastened to the frontier, arriving at St. Mary's on the 15th of September, where his force was augmented by a battalion of mounted volunteers, and he was elected to the command of the regiment thus formed. After an active campaign of about ten months, Colonel Johnson returned home for the purpose of proceeding to Washington to re-enter congress, having added to his reputation as a statesman that of an energetic and patriotic soldier.

In October, 1813, the decisive crisis in the operations of the Northwestern army arrived,—the battle of the Thames, which led to a termination of hostilities in that quarter, was fought and won. The distinguished services of Colonel Johnson and his brave regiment in that sanguinary engagement have scarcely a parallel in the heroic annals of our country. Colonel Johnson was in the thickest of the fight, and, though shot in several places and his bridle arm shattered and bleeding profusely, he continued to fight until he encountered and slew an Indian chief who formed the rallying point of the savages. The fall of this chief, who was supposed to be the famous Tecumseh himself, ended the battle, and the Indians retreated. The heroic colonel, covered with wounds,—twenty-five balls having been shot into him, his clothes and horse,—was borne from the battle-ground faint from exertion and loss of blood, and almost lifeless. Never was victory so complete or its achievements so glorious. Colonel Johnson, being unable to continue with his regiment, was carried to Detroit, whence, after a distressing journey, he reached his home in Kentucky early in November.

In February, 1814, still unable to walk, he reached Washington city and resumed his seat in congress. Everywhere upon the route, and at the metropolis, he was met with the most enthusiastic and cordial greetings of a grateful people. Even his political opponents, deeply sensible of his sincerity, his patriotism and his valor, cordially united in doing honor to the man who had rendered such glorious service to the country. Congress, by joint resolution, made appropriate acknowledgment of his gallant deeds.

He continued in congress until 1819, and in 1820 he took his seat in the United States senate, having been elected to fill a

vacancy, after which he was re-elected for a full term, ending in 1829, when he again became a member of the house of representatives, serving from 1829 to 1837. He was elected vice-president of the United States with Martin Van Buren as president, and served as such from 1837 to 1841, being defeated for re-election. At the earnest solicitation of his friends and neighbors he consented to represent them in the legislature of Kentucky and was several times a member of that body subsequent to the expiration of his term as vice president.

His career as a legislator was not less brilliant than that which had distinguished him as a soldier. His speeches and reports are monuments of wisdom and liberality as a statesman. The congressional records bear evidence to his zeal and industry in support of all measures calculated to promote the end of free government and the happiness of the whole people. No man labored more indefatigably in behalf of his constituents than did Colonel Johnson; he never failed while in congress to attend to a single application made to him for information or assistance. The old soldiers of the Revolution, the invalids of the war of 1812, had no truer friend in congress than Colonel Johnson.

HENRY PARTLOW MONTGOMERY, of Georgetown, was born in Gallatin county, Kentucky, on the 8th of February, 1839. His ancestral history is one of close identification with Virginia and Kentucky, and shows an honorable connection of many of the members of the family with the events which secured to America her independence and resulted in the development of Kentucky. The grandfather, Robert Montgomery, was one of the heroes of the Revolution, and was wounded at the battle of Guilford Court House, but eventually recovered from his injuries; in 1785 he removed to Kentucky. The father, John Montgomery, was born in Woodford county, this state, and became a successful farmer. He married Elizabeth Bohannon, also a native of Woodford county and a daughter of John Bohannon, who devoted his attention to agricultural pursuits and was descended from Virginian ancestry who established homes in Kentucky in 1786.

Henry P. Montgomery is therefore a representative of two of the old families of the state, and his honorable career has added new luster to the family name. Of America is the self-made man a product, and the record of accomplishments in this individual sense is the record which the true and loyal American holds in deepest regard and highest honor. In tracing the career of the subject of this review we are enabled to gain a recognition of this sort of record, for he has devoted his life to a calling where wealth or family cannot avail one in striving for success. The lawyer must depend upon the broadest intellectuality, unfaltering application and ready adaptability, and with these attributes he may attain to distinguished honors. Mr. Montgomery was prepared for his professional career by a broad education. He attended Center College, at Danville, Kentucky, and was graduated in June, 1860, with the second honors in a class of thirty-five, which included in its membership Rev. E. O. Guerrant, now a prominent Presbyterian minister of Kentucky; Edward Marvin, a leading Presbyterian divine of New York; and Hon. Edward Warring, member of congress from Kentucky.

Mr. Montgomery read law under the pre-

ceptorship of H. J. Abbett, of Warsaw, Kentucky, and was admitted to the bar in Gallatin county in 1860. He began practice in Shelby county, where he remained until January, 1862, when he removed to Owenton, and was an active and influential member of that bar until September, 1882. At that time he came to Georgetown, where he now enjoys a large law practice. In Owen county he was elected county attorney, serving for seven consecutive years from 1863. He was also school commissioner for four years. He has held the office of special judge of the circuit court by appointment, but has never been an office-seeker, preferring to devote his entire attention to his professional duties. In politics he is a Democrat with strong prohibition proclivities.

Mr. Montgomery engages in general law practice, but confines his attention mostly to civil cases. He has been connected with some of the most important litigation that has been heard in this section of the state; was associate counsel for the defense in the noted case of the commonwealth versus Thomas Buford, who was tried for the murder of Judge John M. Elliott, of the court of appeals,—a case attracting widespread attention. He is most careful and painstaking in the preparation of his cases, and then, in the court-room, rests his cause on a plain statement of facts and the justice of our laws. He loses sight of no point that will advance the interest of his client, and is a forceful and earnest speaker. He has also been closely identified with the growth and best interests of the city, and has done much to promote its progress and substantial growth. He has been president and attorney of the First National Bank of Georgetown since its organization in 1883, is president of the Water Supply Company, supplying water and electric light to the city, and gives an active support to all measures calculated to promote the educational, social, moral or material welfare of the community.

Mr. Montgomery has been twice married. He first wedded Miss Nannie E. Kenney, of Owen county, a daughter of Richard Kenney. Their marriage was celebrated in 1864, and she died in 1887, leaving three children: Harry; Bessie, wife of John H. Cooper, and Staiar. In 1889 he was again married, his second union being with Mrs. Alice P. Mundy, daughter of Hon. A. P. Grover, member of congress from 1867 to 1869 from the Louisville district. He finds his chief and most abiding source of enjoyment in his home life. In the pleasures that have their root in family affection, he spends the hours spared from professional duties, and in the home circle he finds the needed rest and relaxation from the stress and strain of public life. He was formerly a member of the Odd Fellows society, and is a member of the Missionary Baptist church.

ASA P. GROVER, of Georgetown, was born in Orleans county, New York, and died in Georgetown, Kentucky, in 1887. In his death the community sustained an irreparable loss, being deprived of one whom it had come to look upon as a guide and benefactor. For many years he was known for his sterling qualities, his fearless loyalty to his honest convictions, his unwavering fidelity to all the duties of public and of private life.

He was educated for the Presbyterian ministry, and was a man of broad general

information and culture. He attended Center College, at Danville, Kentucky, and afterward engaged in teaching school in Woodford and Franklin counties. He took up the study of law, and in 1843 began practice in Owenton, where for thirty-eight years he was a prominent and active member of the bar. In 1881 he removed to Georgetown and was connected with the profession in that city until his death. His career at the bar was one of the greatest honor. He was vigilant in his devotion to his clients' interests, yet he never forgot that he owed a higher allegiance to the majesty of the law. His diligence and energy in the preparation of cases, combined with the earnestness and loyalty with which he defended the right as he understood it, challenged the highest admiration of his legal associates. Yet he scorned the glittering chaplet of forensic triumph if it must be gained by debasing himself, debauching public morality or degrading the dignity of his profession. He was quick to master all the intricacies of a case and grasp all details, at the same time losing sight of none of the essential points upon which the decision of every case finally turns. He had a ready flow of language, and as a speaker was fluent, forcible, earnest, logical and convincing. His knowledge of the law was hardly second to that of any member of the bar of Scott county. In the exercise of his legal ability he amassed a large fortune.

Called to public office by the vote of the people, Mr. Grover represented the Louisville district in congress from 1867 to 1869, and handled with masterly skill the important questions which came up for consideration in the council chambers of the nation. He studied thoroughly the issues which divided the country into great political parties, and his support was given to those measures which he believed would advance the best interests of the entire people. For twelve years he was a member of the Kentucky state senate, and was the only Democratic senator during the period of the war. Fitted by native courage and intellectual ability to direct affairs and assume responsibility, he steadily won his way to a position among the leaders in thought and action in Kentucky. At the bar he was a brilliant advocate; in the halls of legislation a wise and prudent counselor and able debater; on the rostrum an impressive orator; and in every field a controller of the minds of men.

In 1845 Mr. Grover was united in marriage to Miss Martha A. Vallandingham, a native of Scott county, Kentucky, and now (1896) a resident of Georgetown. Five generations of her family are now living, her mother, Mrs. Armilda W. Vallandingham, being now eighty-four years of age; Mrs. Grover, sixty-five years of age; Mrs. Armilda Crutcher, forty-eight years; Mrs. Martha Peak, twenty-four years; and Grover and Armilda Peak, aged respectively four and two years. The living children of Mr. and Mrs. Grover are Horace M., Jefferson D., Armilda, wife of D. E. Crutcher, of Frankfort, Ky.; Alice P., wife of H. P. Montgomery, of Georgetown, and Aura B., wife of Dr. R. I. Peak, of Dalton, Georgia.

JAMES BENJAMIN FINNELL, of Georgetown, was born in Boone county, Kentucky, on the 6th of July, 1842, and is a representative of two of the oldest and most honorable families of the state. His parents were Vardiman and Nancy (Sleet) Finnell, both natives of Boone county. The grandfather, James Finnell, accompanied

his father, Robert Finnell, from Culpeper county, Virginia, to Boone county, about 1795, and since that time the family has figured prominently in the history of that region. The maternal grandfather and great-grandfather were both natives of Boone county, but descended from pioneer ancestry from Virginia and were prominent, wealthy and influential planters of the locality in which they maintained their residence.

J. B. Finnell in his youth received the sturdy discipline and lived the free, open life of the farm. His primary education was obtained in the public schools of his native county, and when sixteen years of age he became a student in Hanover College, an institution of learning near Madison, Indiana, where he pursued his studies for two years. He then matriculated in Georgetown College, Kentucky, where he remained for two years, when he determined to enter the profession which has furnished so many illustrious men to the state and nation. He had a broad general education to serve as a foundation for his legal knowledge, and after one term's thorough study in the University of Louisville he was licensed to practice by the examining board, consisting of Judges Stites and Bruce.

Mr. Finnell began the prosecution of his chosen calling in Boone county in 1870, and for five years was a member of that bar, after which he came to Georgetown. For thirteen years he has been associated in practice with W. C. Owens, and the firm is one of the most eminent in this section of the state. In 1894 his partner was elected to congress in the Ashland district.

Mr. Finnell engages in both civil and criminal law practice, but gives his attention principally to equity cases. His career at the bar has been an honorable one. He has been attorney for the defense or prosecution in many important cases. He is a man of quick perception, is a forcible and logical speaker, and presents his case with great earnestness and animation.

In 1864 was celebrated the marriage of Mr. Finnell and Miss Fanny Roberts, a native of Boone county, her father's farm being in the same neighborhood as the Finnell home. They were reared side by side and the acquaintance of childhood ripened into love. They have three children, —Robert Marshall, James B. and Eva R. The second son is now a law student and will probably follow in the footsteps of his father.

Since 1864 Mr. Finnell has been a faithful member of the Baptist church. His political support in early manhood was given the Democracy, but of late years he has allied his interests with those of the Prohibition party, and on that ticket made the race for attorney-general of Kentucky, and in 1894 for congress. He has been nominated for other official positions on that ticket, and, although without hope of winning office, he has labored earnestly, with the courage of his convictions, for the good of the party, and his labors have been most efficacious in promoting temperance principles in Georgetown and the surrounding country. In July, 1896, undoubtedly resulting partly from his efforts, Scott county adopted a measure prohibiting the sale of all intoxicants within its border.

WILLIAM CLAYBORNE OWENS, of Georgetown, member of congress, was born in 1851. Scott county claims him as one of her native sons and is proud of his achievements. His father was a farmer and

successful man of business. His mother, Mrs. E. J. Owens, is still living, her home being in Millersburg, Bourbon county, Kentucky.

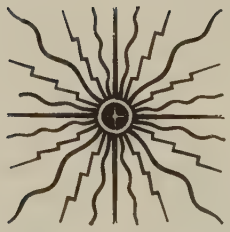
William C. Owens acquired his education in that city, and subsequently was graduated at the Columbia Law School, of New York, with the class of 1874. Immediately afterward he entered upon the practice of his chosen profession, wherein he was destined to rise to an honorable and prominent position. He began the work for which all the previous years of study had been a preparation, becoming a member of a bar where sham reputations and empty pretense were of no avail in the forensic combats. The young lawyer, in his contests with older and experienced men whose reputation and patronage were already assured, found it a hard school, but it afforded excellent training, and as he measured his strength with the best his mind was developed, his intellectual powers were quickened and strengthened, and he acquired a readiness in action, a fertility of resource and a courage under stress that have been essential factors in his successful career.

It naturally followed that a man of Mr. Owens' ability should be called to public service. He was elected county attorney of Scott county, serving in that capacity for two terms, and in 1872 was elected to the state legislature, wherein he served for five consecutive terms, acting as speaker of the house of representatives from 1878 until 1880. His thorough understanding of parliamentary practices, his extreme fairness and his freedom from all partisan rulings made his course as speaker most commendable; and all through his legislative career he was recognized as a leading member of the house, loyally devoted to the public good. In 1876 he was a member of the electoral college and supported Samuel J. Tilden for the presidency. In 1880 he was a candidate for the congressional nomination against J. C. S. Blackburn, and in 1894 was elected to represent the seventh Kentucky district in congress over W. C. P. Breckinridge and George Denny. The contest for the nomination was one of the most bitter and hardly contested ever held in the state, becoming a subject of national discussion. In his congressional career he has shown himself to be a man of broad mental grasp. He has a comprehensive understanding of the leading questions that divide parties and on whose decision hang the destinies of the republic. He is a logical and convincing speaker, and his utterances have the ring of truth. Mr. Owens was a delegate to the national convention of the Democratic party in Chicago in 1892, and was temporary chairman of that assemblage. Throughout his life he has been unfaltering in his allegiance to the Democratic party, and has been a most active and efficient worker in its behalf.

When not occupied with public duties Mr. Owens gives his undivided attention to his profession, and his clientage is extensive and distinctively representative. In a public address, whether in the court-room or in the legislative halls of state or nation, his tones are deep and clear, his argument logical and his reasoning forceful. He has a keen, analytic mind, is calm and unmoved by the most exciting or trying circumstances, and it is the calmness that arises not from a lack of feeling, but of feeling perfectly controlled. He is quick at repartee, resourceful, ever fair and truthful in the presentation of facts, and though master of ridicule and sarcasm rarely brings them into use. He

never stoops to misrepresentation to secure success, is ever courteous to an adversary and bases his strength on the clear statement of fact and the justice which is the handmaid of truth.

In his private life Mr. Owens is temperate in every way; he never uses tobacco or intoxicants in any form. Although not a member, he attends the Methodist Episcopal church and is quick to respond to the call of charity. A man of spotless integrity in all his social and business life, he has carried and maintained the same high standard of morality in all his official relations. Political power to him is not a thing to be sought for its own sake; it is simply a means to an end—that end being good government, the greatest good to the greatest number. While making no canting profession of superiority to his fellows, his life expresses his belief that a good official is all the better for being a good man.



THE BAR OF LEXINGTON.

NO HISTORY of the lawyers and lawmakers of Kentucky would be complete without a chapter on Lexington, for no section of the state has produced a greater number of eminent men than the central city of the Blue Grass region.

The earliest settlement in this region of which history makes a record is in 1775, when a rude cabin was erected by William McConnell on the camping ground of a party of hunters and prospectors, a spot near the present beautiful cemetery. The name was given to the future city by the first prospectors, who, while camping there, heard that blood had been shed in behalf of American freedom at Lexington, Massachusetts. In memory of that event the infant settlement was christened, and stands to-day a monument grand and glorious, the first erected on this continent to liberty.

The McConnell cabin fell into decay before the next building was erected, in 1779. This was a substantial log—a block house and stockade—and occupied what is now the square near the corner of Mill and Main streets. This was the nucleus of the future city. In 1780 the county of Kentucky, then embracing all of the possessions of Virginia west of the mountains, was divided into three counties—Fayette, Lincoln and Jefferson; and Fayette county was composed of about one-third of the present state, east of the Tennessee river. The county was not organized until 1781.

Lexington owed its growth and prominence in the early days to the fact that its founders were of an intelligent and cultivated class, appreciative of the benefits to be derived from education, and one of the earliest institutions founded by them was a school. As early as 1780 John McKinney taught the children of the settlers in the block house, and later, in 1783, in a log schoolhouse just outside the stockade. In 1787 Isaac Wilson, of Philadelphia College, established the Lexington grammar school, and informed the residents of the town and district that "Latin, Greek, and the different branches of science will be carefully taught. Price of tuition, four pounds, payable in cash or produce, and boarding on as reasonable terms as any in the district." In 1788 John Davenport opened a dancing school. We mention this here to show that the demands of the settlers of that day were not confined to the essentials, but that they were alive to the advantages of the embellishments of social intercourse. In 1788 Transylvania Seminary, which had been chartered by the legislature of Virginia about 1780, was located at Lexington, and from that day the fame of the town as a center of education and refinement grew rapidly.

We cannot follow the progress and building of the city, but take only a hasty glance at the advance of civilization in the matter of legislation and the enforcement of laws.

The first court held in Fayette county after the admission of the state of Kentucky

into the federal Union was in 1792. The magistrates who composed the court of quarter sessions were Thomas Lewis, John McDowell and Robert Todd, and those of the county court were James Trotter, Walter Carr, Percival Butler, Edward Payne, Joseph Crockett, William Campbell, Abraham Bowman, Hubbard Taylor and James McMillan.

Since its establishment the circuit bench has been held by the following in the order named: Samuel McDowell, John Buckner Thruston, John Coburn, Thomas Lewis, Robert Todd, Benjamin Howard, Henry Payne, John Monroe, John McDowell, John Parker, William Warren, Benjamin Johnson, William T. Barry, Benjamin Mills, Jesse Bledsoe, T. M. Hickey, Daniel Mayes, Aaron K. Woolley, Richard A. Buckner, Jr., W. C. Goodloe, C. B. Thomas, Joseph D. Hunt, Benjamin F. Buckner, Jeremiah R. Morton, and (the present incumbent, 1897) Watts Parker.

During the existence of the courts of common pleas, the bench of that court was occupied, in the order named, by Benjamin F. Buckner, C. S. French, H. W. Buford and Ira Julian.

The earliest lawyers known to have resided in Fayette county, whose names have been preserved, were George Nicholas, John Breckinridge, Caleb Wallace, James Brown, Humphrey Marshall, Joseph Hamilton Daviess, W. T. Barry, James Haggin and Benjamin Howard. A little later came Robert Wickliffe, James Hickey, Jesse Bledsoe and Charles B. Humphries. The last named was a man of great industry and patience, who, without pretense to great ability or oratorical power, did much to elevate the tone of the bar, and by his careful and diligent discharge of his duty to his clients, accumulated a large fortune, at the same time maintaining the honor of the profession and the respect of the community. Henry Clay, Joseph Cabell Breckinridge and John Boyle, all distinguished men, practiced at the Lexington bar, and are elsewhere noted. About 1816 came General Leslie Combs, noted in war and in peace, a prominent figure in the history of the state.

Richard H. Chinn acquired a large practice and a local reputation as a lawyer of excellent ability, and Daniel L. Mayes became a prominent figure at the Lexington bar. He had a singular failing for a lawyer—stammering ofttimes impeding his utterance, but when aroused he could lecture or speak most efficiently and volubly. He became one of the foremost lecturers in the law department of Transylvania University, which was at that time and for some years had been, the principal university of the great west, and numbered among its teachers George Nicholas, John Breckinridge, W. T. Berry and others of prominence.

Thomas A. Marshall began his career in Lexington, as did John Pope—he of the one arm, for whom the Irishman voted, because he said he had but one hand to thrust into the treasury of the United States. It would seem from the incident that even in this early day those seeking office were not above suspicion, and that peculation was not unheard of even then.

Later came G. R. Tompkins, a brilliant man and a rival of Henry Clay's for election to the state legislature. His failure in his contest with Mr. Clay resulted in his withdrawal from this section of the state. James Hughes and Harry Toulmin, both late residents of Frankfort, were one time

members of the Fayette bar. Thomas T. Crittenden, brother of the greater J. J. Crittenden, also practiced for awhile as a resident member. Robert J. Breckinridge, the elder, Charlton Hunt, Richard Curd and Aaron W. Woolley, were contemporary in their advents on the stage of Lexington jurisprudence. Mr. Woolley was a man of brilliant parts, of great erudition, and became a teacher in Transylvania University and circuit judge. M. Conyers Johnson and James Hickey, afterward circuit judge, came to Lexington about the same time, and all have left their names indelibly written on the legal history of the state. Judge George Robertson, statesman and jurist, was long a tutor in the law school, revered and honored of all men.

About 1832-3, Richard A. Buckner, Jr., came from the Green river country, and Richard and Henry Clay Pindell also began the practice. James O. Harrison returned from Mississippi, where he had been in the practice, and was cotemporary with Joseph Holt, D. L. Mayes and S. S. Prentiss, leading lawyers of the southwest. George B. Kinkead and Francis Key Hunt were also members of this bar. The latter, a brother of Charlton Hunt and the youngest of the family at the bar, was a superior man of fine legal attainments and business ability. Henry Clay, Jr., a brilliant son of the great commoner, bade fair to follow in the footsteps of his father; after representing the county in the legislature, he went to Mexico and met his death in the gloriously won battle of Buena Vista. His brother, James B. Clay, represented the old "Ashland district" in congress from 1857 to 1859, and died in Canada during the Civil war.

Other well-known and able members of the Lexington bar were Roger W. Hanson, the genial and gifted orator and leader of men, who was killed at the head of his brigade in the Confederate army at Stone river; Robert W. Woolley, son of Aaron W. Woolley; Robert Wickliffe, Jr., son of Robert Wickliffe; Thomas B. Monroe, who was killed at Shiloh, a son of the judge of the United States district court; William A. Dudley, who engaged in railroading, became the president of the Louisville & Nashville Railroad, the son of the eminent surgeon, Dr. Dudley; and Stephen Noland, a very able and efficient public prosecutor who held the office of commonwealth's attorney. During this period there appeared as leading lawyers at the bar, John B. Huston and William S. Downey, who came from Clark county. John C. Breckinridge and James Birnie Beck had come to the bar some years previously and both had commenced their public careers. Eamelius K. Sayre had also "been and gone," coming about the same time as Leslie Combs. He began the practice at Lexington, but later moved to Illinois, where he was living at the age of ninety years. Another of the old attorneys whom we have omitted was Daniel McCarty Payne, who was contemporary with Robert Wickliffe, Sr. He was not an ostentatious practitioner, but pursued his business with success. Benjamin Warfield was a partner of Mr. Wickliffe, but retired from the law to his farm. Robert J. Breckinridge (2d) practiced in Fayette county before going south and after the war settled in Danville. W. C. P. Breckinridge — just entering on his professional career when the war began — returned at its close and is at this time, 1897, one of the distinguished members of the bar. William B. Kinkead and his brother, George B. Kinkead, both lawyers of excellent repute, came to Fayette county with reputa-

tions already established. A son of William B., named for his uncle, George B. Kinkead, represents the family at the bar, in 1897, with credit. Otis S. Tenny is one of the older practitioners. Samuel Shy was one of the early lawyers. He was a candidate for the constitutional convention of 1849 on the ticket with Robert J. Breckinridge, the elder. He was then a partner of James B. Beck, and later removed to Illinois. Samuel O. Bullock, on his entry to the bar, began a most promising career. He was associated with John C. Breckinridge, and was a brilliant speaker and a well-read and studious lawyer. His death, at the age of thirty years, closed a life that apparently gave promise of much usefulness. In an article so brief it is possible only to touch here and there upon those salient characters at the bar whose lives have made more than a passing impression upon society, and many of whom will be treated at greater length as the subjects of special notices.

The bar of Fayette county of 1897 is a credit to the glorious past and well maintains the high standing of the profession. The day of forensic eloquence has given place to a more staid and prosaic method of practice. The business of the courts has, like the times, greatly changed, but none the less requires deep learning, assiduous attention and honest devotion to the interests entrusted to representatives of the bar; and all these qualities are found in the numerous lawyers that now center in Lexington,—the second city in size in the state.

RICHARD HICKMAN MENEFEE.—When asked upon one occasion to name the greatest lawyer he had ever met, the late Hon. Madison C. Johnson, of Lexington, without hesitation replied, "Richard Menefee." Such a tribute from a man of Mr. Johnson's ability, legal learning and extensive acquaintance with men and affairs, excites some surprise, when it is considered that Mr. Menefee died in his thirty-second year. Yet, if the tradition that is so fondly cherished by the older citizens, and especially by the older lawyers of Kentucky, counts for anything, the justice of his opinion is the more readily conceded.

Richard Hickman Menefee was born in Bath county, Kentucky, December 4, 1809, and died February 21, 1841. His father, by his energy and strong native sense, acquired prominence in his section of Kentucky, having represented the county of Bath in both the lower house and senate of the state legislature. He died, however, when Richard was only four years old.

By the intelligent care of his excellent mother in the early days of his youth, the ambition and longing for a good education were gratified. When he attained the age of fourteen his mother married a second time, and it appeared then that the education of her son would be ended. He was taken from school, but was permitted to return during the winter months, and at the age of fifteen became a teacher. At eighteen he entered Transylvania College, at Lexington. Without the training of his classmates, who enjoyed several years' previous attendance, he was at first at some disadvantage; but his genius, driven by an invincible ambition, soon swept away all obstacles. Through the influence of President Holley, who was astounded at his marvelous feats, he was admitted to the examination with his class, and bore away the honors. Returning to Mt. Sterling, he taught a while and read law under the preceptor-

ship of Judge James Trimble. In 1831 he attended the law lectures at Transylvania, and was licensed to practice law at the age of twenty-one. In the spring of 1832 he was appointed commonwealth's attorney for his district. In August of the same year he married Sarah, eldest daughter of the famous artist, Matthew H. Jouett, another of Kentucky's renowned sons, whose work now, fifty years after his death, is regarded by many distinguished critics as superior to that of any other artist America has produced. Mr. Menefee retained his appointment, and locating at Mt. Sterling, practiced his profession throughout the counties of his district until 1836, when he was sent from Montgomery to the house of representatives of Kentucky. Here, at the age of twenty-five, he sprang at once into the position not only of a powerful debater, but also, as a colleague says, "of a leading mind, whose ripened judgment and matured thought rendered his counsels as valuable as the eloquence in which they were conveyed was striking and delightful."

At twenty-eight he was elected to congress as a Whig, defeating the most popular Democrat in a district overwhelmingly Democratic. In congress his brilliant genius electrified the country, and immediately he strode to the front rank of the nation's great men.

It is unfortunate for the history of such a life as this that it was connected with no great event in the history of our country; and as he lived before the ingenuity of man had contrived the means for catching and recording his matchless eloquence, it would be unjust to his memory to withhold from the reader the impressions of Menefee gained at first hand by a distinguished contemporary,—his friend, his fellow-lawyer, his colleague in the halls of legislation,—who was in every way fitted to know and tell the world of this remarkable man.

Thomas F. Marshall, the renowned lawyer, statesman and orator of Kentucky, was requested to deliver an address upon the life and character of Richard H. Menefee, which service he performed April 12, 1841, at Lexington, Kentucky. This address is a remarkable specimen of fervid eloquence and presents an estimate of Mr. Menefee of great value. It cannot be quoted entire, but the following extracts are given:

"It was the fortune of your speaker today to have served in the same body during that session (Kentucky legislature of 1836), and it was at this period that he first saw and became acquainted with the illustrious subject of this discourse. The impression which Mr. Menefee then made was instantaneous and ineffaceable. He was in his twenty-seventh year, but the lightness of his hair, his delicate complexion and almost beardless face, and a certain juvenile outline of person, made him look to a transient observer some years younger than he really was. * * * He threw himself easily and naturally and with apparent carelessness into debate, for the first time, upon a bill entirely private in its character and of not the smallest interest to the house. No sooner had he risen, however,—and his bell-tones vibrated through the hall,—than every eye and ear were riveted into attention. There was about him an air of practiced ease, a self-possession, a deliberation, as utterly remote from affectation or impudence as it was entirely free from confusion or timidity. He wore the cheek of a boy, and moved with the tread of a veteran. There was no impatience for display, no ambitious finery, no straining after effect about him, but

there was a precision and clearness in his statement, an acuteness, a strength and clearness in his argument, which bespoke a mind not only of the greatest original power,' but trained in the severest school of investigation, and to which the closest reasoning was habitual and easy. He seemed to move, too, in his natural element, as though he had so long and so carefully revolved in his mind the theater of public affairs as being the true stage for him, that he stood there, albeit for the first time, without surprise or anxiety. It was upon a motion of his own to reverse a report from the committee on courts of justice upon a bill authorizing the sale of some infant's real estate, that he was first heard to speak. The present governor of the commonwealth was at the head of the committee, and some of the most experienced members of the house and of the ablest professional men in the country were members of it. The member from Montgomery attacked their report with so much vivacity and such remarkable ability that they felt themselves compelled to make a regular and formal defense, which they did *seriatim;* and it is no reflection upon their talent to state now, what all felt then to be true, that their young antagonist was a match for the whole. This debate and the occasion of it would have passed from my memory long since but that they served to develop to my view, for the first time, the character and the powers of a man evidently marked out for greatness, whose subsequent career was one unbroken series of splendid successes, whose genius, then first fairly risen upon the public, within three years from that date shot into the zenith with an horizon stretching to the utmost boundary of the American states.

"After this first effort, trifling as would seem the occasion, Mr. Menefee was no longer considered in the light of a promising young man. He did not climb gradually into favor and influence with the house, but sprang at once, and with an elastic ease truly surprising, into the position not only of a debater of the highest order, but also of a leading mind, whose ripened judgment and matured thought rendered his counsels as valuable as the eloquence in which they were conveyed was striking and delightful.

"He was a member of the committe on finance, and reported and carried in the face of the most violent opposition what is usually termed the 'equalizing law,' by which the ordinary revenue, without an increase of taxation, but by including new subjects, has gained upward of thirty thousand dollars per annum. * * *

"Regarding him, as I have already said, with the deepest interest, and under circumstances very favorable for observation, I describe him as he impressed himself upon me. The great characteristic of his mind was strength, his predominant faculty was reason, the aim of his eloquence was to convince. With an imagination rich but severe and chaste, of an elocution clear, nervous and perfectly ready, he employed the one as a minister and the other as the vehicle of demonstration. He dealt not in gaudy ornament or florid exhibition; no gilded shower of metaphors drowned the sense of his discourse. He was capable of fervid invective, vehement declamation and scathing sarcasm; but strength was the pervading quality, and there was argument even in his denunciation. 'No giant form set forth his common height,' no stentor voice prolaimed a bully in debate; yet did he possess the power of impression, deep, lasting impression, of interesting you not only in what he

said but also in himself, of stamping upon the memory his own image, in the most eminent degree and in the most extraordinary manner, of any man of his age whom it has been my fortune to encounter. '*Bonum virum facile crederes, magnum libenter.*' Although removed the farthest possible from the affectation of mystery, or any asserted and offensive pretension to superiority over other men, and although his manner was exempt entirely from the charge of haughtiness, still, as he appeared at that time, he loved not familiarity and courted no intimacy. He was bland, courteous and perfectly respectful in his intercourse; still, there was a distance, and undefinable sort of reserve, unmixed with pride, but full of dignity, keeping frivolity aloof, and attracting at once your curiosity and your interest. Upon his forehead, which was broad and full and very commanding, were traced the indisputable lines of intellect and genius. His pale and delicate brow was stamped with the gravity and care of premature manhood. About his lip and mouth were the slight but living and indelible traits of a resolved and ambitious spirit. The whole countenance was that of a man who had suffered and struggled, but who had conquered the past and was prepared to grapple fearlessly with the future. But the master expression, the natural language which breathed from his face, form, step, gesture, and even the almost feminine tone of voice, and—which contrasted so strangely with the delicacy of the whole—was energy, unfainting, indomitable, though curbed and regulated energy, which could sustain him through all danger and under all fortune, and which would and must bear him on to the utmost mark at which his ambition might aim, and to which his talents were at all adequate. There was nothing restless or impatient about him. His was deliberate, concentrated, disciplined energy. He had that managed calmness of general manner which so often betokens a fiery and excitable temperament, but under the most perfect control. Never man was more entirely master of himself than Mr. Menefee.

"His conversation corresponded with and deepened the impression made by his public speeches and a close examination of his whole appearance. He had all the quickness and penetration of a man of true genius, but without a spark of wildness or eccentricity. There was no dreamy idealism, no shadowy romance, no morbid sentimentalism about him. The occasional splendor of his illustrations proved him to be sure possessed of an imagination not only grand and lofty, but also exquisitely sensible of the beautiful and the good; but it was the ally, not the principal; and an ally upon which his sovereign reason, abounding in its resources, leaned but little and drew but seldom. His fancy drew her inspiration from the natural fountains around and within him. It was not even tinged with the sickly light of modern fiction. His whole mind was eminently healthy. His was the seriousness of determination, unmixed with gloom or melancholy. The purity of his language, which was remarkable for its beauty as well as its precision, declared a mind imbued with elegant letters, but there was an antique severity in his taste, a marble firmness as well as smoothness in his style, which spoke of the hardihood and the muscle of the Grecian masters—those first teachers and eternal fountains of poetry and eloquence.

"But neither Mr. Menefee's conversation, nor his attainments, nor his talents,

eminent as they all were, surprised me so much as the matured and almost rigid tone of his character, the iron control which he exercised over himself, the cool, practical and experienced views which he took of the world, and the elevation, consistency and steadiness of his purposes. These were the qualities which made his talents useful; these were the qualities which, young as he was, gave him such absolute hold and command of the public confidence; these were the qualities which adapted him to the genius and bound him to the hearts of his countrymen, without which he might have been brilliant, but never could have been great.
* * * *

"Mr. Menefee passed from the legislature of Kentucky into the national councils, where he took his seat in the lower house of congress at the called session of 1837. He is said to have exhibited during the canvass extraordinary powers of popular eloquence and an unequaled grace and facility in mingling with the great body of the people, demonstrating thereby the versatility of a mind whose strength alone I have been contemplating. The same destiny (for it seemed no less) attended him in congress which had marked his entrance upon state legislation. There were no gradations in his congressional history. He comprehended at once, and as if by instinct, the new scene in which he was called to act; and no sooner did he appear than he was recognized as a statesman and a leader. The intrepid boldness of his character, and precocious strength of his genius, seem to have smitten all parties with astonishment. Some of the leading men of the political party to which he was opposed, pronounced him the most extraordinary man of his age who had till then appeared in congress. He encountered hostility in his upward flight (when did soaring genius fail to do it?), and meaner birds would have barred him from his pathway to the skies. With crimsoned beak and bloody talons he rent his way through the carrion crew and moved majestically up to bathe his plumage in the sun. Never did a career more dazzlingly splendid open upon the eye of young ambition than burst upon Mr. Menefee. The press teemed with his praise, the whole country was full of his name; yet did he wear his honors with the ease of a familiar dress. He trod the new and dizzy path with a steady eye and that same veteran step which was so eminently characteristic. Around his path there seem to have been thrown none of those delusions which haunt the steps of youth and inexperience. All was stern reality and truth. He maintained his character undimmed and his position unshaken till the end of his term, and then this wonderful man imposed upon himself, his spirit and his ambition that iron control of which I have spoken, and voluntarily retired from a theater the most elevated and commanding upon which genius and ambition like his could engage in the gigantic strife for undying honor.

"At twenty-nine years of age Mr. Menefee found himself upon a summit to which the dreams of youth and hope could scarce have aspired. He alone seemed neither astonished nor confounded by the height to which he had arisen. In 1837 an obscure young lawyer, scarce known beyond the precincts of his native highland district, in 1839 he stood forth on the world's great theater in acknowledged greatness, the predictions of his first tutor realized, the prayer of his childhood granted. He stood on that eminence so long and so gloriously occupied

by the man whose name he once bore, * and whose fame had been the pillar of fire by which he guided his footsteps through the long, dark, perilous and unfriendly night of his boyhood; and he stood there at an age which threw even that example into the shade. The draught which he drank, so far from intoxicating his understanding, served only to refresh and invigorate his spirit for the work set before him. He surveyed calmly from the height on which he stood the prospect stretched beneath him; he quaffed the full beams of the sun of glory which glowed above him, then, turning to the gentle flower at his side, which he had vowed to shelter and defend, to her who had loved and trusted him in obscurity and penury before the world, now ready to do him homage, had learned his transcendent talents and inestimable worth, and folding her, all bright and blushing, in the light of her husband's glory, to his bosom, he descended without a sigh to vindicate her confidence and toil for her support.

"He had but to select his ground, to choose his theater. His talents, his acquirements, his habits, all fitted him eminently for the bar. A self-made scholar, he was of indefatigable application; with a mind of singular acuteness naturally and now much enlarged and strengthened by the great topics it had grasped, and the powerful collisions into which it had been thrown, he was peculiarly fitted for the largest and most comprehensive views of jurisprudence. Of an integrity stainless as the untrodden snow, and without one vice to consume his time or warp his career, he was sure to devote himself to the interests of his clients.

"In the summer of 1839 he located himself in Lexington. There was no dreary novitiate for him. He stepped into the forum armed at all points, and business flowed in upon him in a full and rich tide. Never did any man occupy such a position in Kentucky as did Mr. Menefee in the opening of his professional career in Lexington. The public sympathies rallied around to cheer and support him in a manner utterly unknown in any other case. Each step of his progress but deepened the interest and vindicated more triumphantly the opinion entertained of him. Men flocked in crowds to hear him speak, his counsel was sought and relied on, and his services engaged, whenever it was practicable, at points distant from the scene of his immediate operations. At a period of life when most men are just rising into business, he was steeped, actually overwhelmed, with the weightiest, most honorable and most profitable causes. The sun of prosperity broke out upon him with a warmth and brilliancy entirely without example. All difficulties had vanished from before him. In the past he found nothing with which to upbraid himself. The rough road through which he had journeyed from childhood was marked throughout with trophies of his triumphant spirit. His country regarded him as public property, and, waiting with fond impatience the attainment of that pecuniary independence which his erect and honorable nature deemed essential to his character, stood ready with open arms to receive him into her service and crown him with her choicest honors.

*It is a fact made known to the compiler of this sketch by Mrs. Sarah B. Menefee, the widow, that Mr. Menefee was first named Henry Clay by his parents. When three months old his father, then state senator, went to Frankfort, where he roomed during the winter with Colonel Richard Hickman, a splendid man from Paris, Bourbon county, to whom he became greatly attached, and after his return home he changed his boy's name to that of his dear friend.

"Fortune was absolutely within his grasp. He was the slave of honor, not the drudge of avarice. It was independence that he sought—independence for himself and his nestlings. He had tasted the bitter fruits of early poverty, and although he had triumphed he would not doom his little ones to their father's struggles and sufferings. He must have attained the object of his pursuit even before he had reached his manhood's prime, and then he could have turned himself again, without a crime, to the pursuits of ambition, again have mounted the solar heights whence his moral nature had forced his intellectual down.

"For one short year Mr. Menefee's delicate frame sustained the fiery energies of his mind. In the spring of 1840, in reply to a note from myself on professional business, he alluded to the decline of his health in a tone of sadness, not despondency; his was a soul that never desponded —which struck me as ominous and prophetic. Disease had indeed fastened its fangs upon his body: its force was vain against his mind. With rapidly declining health he persevered in his business, till in September, in a case of vast magnitude, in which Messrs. Clay and Wickliffe were both employed against him, he put forth, for the last time, his immortal energies at the bar. Like the Hebrew giant, his last effort was the greatest."

From this effort he never rallied, but sank gradually until he fell asleep, in 1841. Thus ended, upon its very threshold, this young life of such wonderful achievement and such unbounded promise.

"'T was his genius gave the final blow,
And helped to plant the wound that laid him low."

At that time the Lexington Intelligencer, in an account of his life, said:

"During the past year he was nominated by a convention of the Whigs of Kentucky on their ticket of candidates for presidential electors, and until a late period in the canvass, although much enfeebled by the effects of his disease, he exerted his efforts and eloquence in behalf of the cause, which at the beginning of his career he so ardently, devotedly and conscientiously espoused. His last appearance before a public auditory was in September. He then fully equaled his former efforts, although his feeble frame nearly sank under the physical exertion necessary.

"As a debater he was peculiarly distinguished for his candor, courtesy and dignity; the lucidness and beauty of his illustrations, and the overwhelming force of his reasoning and eloquence, which seemed to sweep away, without an apparent effort, every obstacle placed in their course by his adversary, and to carry conviction to the heart of the most obdurate; breaking into fragments the panoply of prejudice and ignorance, and penetrating to the most hidden recesses of the soul. 'Thou speakest as never man spake,' was the involuntary thought of the listener in those moments when all his peculiar eloquence burst forth; and he seemed then as one inspired by some superior agency. Before a jury or a promiscuous audience, his power was equally irresistible. He could mold them to his will and wield them to suit his pleasure. Never in a forensic or a popular encounter did his adversary come off victorious. Wit and sarcasm were ever at his command, and his persuasiveness rarely failed to accomplish the end desired.

"Great as were the merits of the distinguished subject of this hasty and imperfect sketch, in that part of his character which we have noticed, they did not exceed his moral

and domestic virtues. He was amiable, unpretending, kind, generous, noble. His fidelity, truth, friendship and honor could have been tested by the sacrifice of his life. He has gone down to his grave without spot or blemish to sully his reputation. So pure were his aspirations and so blameless the tenor of his life that envy itself dare not raise its voice or point its finger at him; and malice, if such, from wrong impressions, were ever harbored against him, was powerless and mute."

At the time of his death the National Intelligencer, of Washington, District of Columbia, said editorially:

"The last mail from the west brings us the news of the death of Hon. Richard H. Menefee, in whom Kentucky has lost one of her proudest and fondest hopes. His service for two years in congress (from 1837 to 1839) commencing before he had reached his thirtieth year, in which he acquired a high character, afforded the promise of yet greater usefulness when time should have matured his abilities and ripened his experience."

Another paper said of him:

"Young in years, but deeply imbued with all that enobles man, and gifted with all the high gifts of the statesman, jurist and orator, his loss in public or private life can not suddenly be replaced."

Another contained the following:

"When Mr. Menefee was a member of the twenty-fifth congress he was, with but one exception, the youngest member in the house. Nevertheless, his eminent abilities as an orator, joined with sound practical sense and guided by a kind disposition and a soul of the purest honor, soon made him eminent among the men by whom he was surrounded. In point of eloquence he ranked with the Hon. S. S. Prentiss, of Mississippi; and those who had the gratification of hearing him make his celebrated speech on the motion to expel Dr. Duncan from the house of representatives, yielded him the palm on that occasion over his gifted rival.

"Who that heard that speech can ever forget it? Characterized by that extreme severity which the occasion demanded, his satire, brilliant wit and lofty scorn alternately blazed around his miserable victim like forked lightning, and scourged him as with a lash of scorpions. He literally writhed under the just attack."

Judge W. B. Kinkead, of Lexington, who knew Mr. Menefee intimately, in a published article, says of him:

"I have known, personally or historically, most of the celebrated men of Kentucky, and am impressed with the belief that Richard H. Menefee was the ablest man ever born in the state. He died when only thirty-two years old, having attained a distinction above that acquired by any other man at so early an age. He possessed more of the elements for great success than any other I have eyer known. With intellect quite equal to Mr. Clay's, he had a calmness and courage, a self-reliance and perseverance rarely encountered, while he was likewise remarkable for a genial kindness and devotion to his friends. He became at once the idol of the people."

July 6, 1872, the bar of Owingsville, the county seat of Bath county, received a portrait of Richard H. Menefee, presented by his son, Richard Jouett Menefee, of Louisville, and in placing the portrait in their court-house used this language:

"No more appropriate place could be

selected for this memento of this illustrious lawyer, orator, statesman and patriot, of whose fame Bath county is so justly proud, than a niche in the main court-room of the new court-house, which stands upon the site of the old forum where he first began that wonderful career that in his too short life electrified and charmed his state and country."

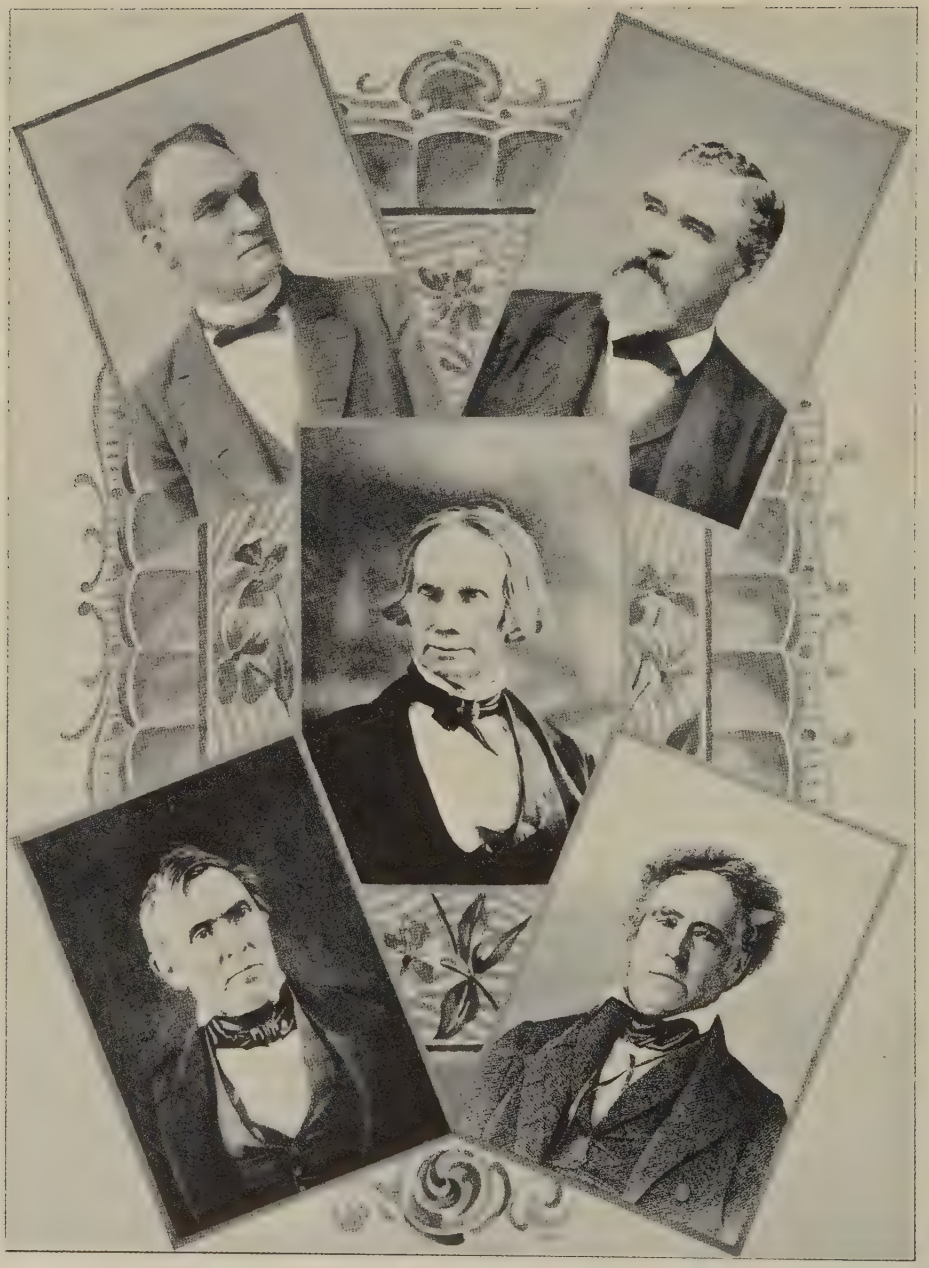
The bar also resolved:

"That we, as citizens of Bath county, tender our most grateful thanks to Mr. Jouett Menefee, of Louisville, for the portrait of his father, the Hon. Richard H. Menefee, presented to his native county; and the same shall ever occupy a conspicuous place in the main court-room of the court-house at Owingsville; and we earnestly ask that the proceedings of this meeting be entered upon the records of the Bath county and circuit courts."

The foregoing extracts show the remarkable fact that in all that has been written about Mr. Menefee the loftiest words of panegyric have been used. No language appears to have been adequate to express the sentiments of admiration which were felt. The same thing is observable in all the traditions of this extraordinary man: his contemporaries seem to have regarded his genius as something marvelous. Those who heard him, and who also heard Henry Clay, say without reservation or qualification, that Menefee was the more gifted man and the greater orator, that it was the early death of Mr. Menefee alone which prevented his star from rising perceptibly higher in the history of his times than that of the great Kentucky commoner.

In personal appearance Mr. Menefee was six feet tall, of slight build, yet erect, muscular and graceful. His deep-blue eyes, resting beneath their heavy lashes, were all-controlling in their influence, while his flute-like voice was irresistibly fascinating. His manner was that of calm dignity and serious earnestness, except that with his intimate friends he was bright, genial and always the center of attraction; while in the home circle no one enjoyed a romp on the floor with the little ones more than he.

In his private life his chief traits were a close application to study, a stern morality and boundless affection for his family. While not a professed Christian, he was a man of true religious convictions, which in his later days were crystallized into a firm faith in his future welfare. His son, the father's pride and the mother's well-spring of comfort, that "glorious, beauteous boy," whom Marshall describes as "this scion of a double stock, through whose veins is poured in blending currents the double tide of genius and art," was the Jouett Menefee whose name wherever known is a synonym for the highest type of Christian citizenship. He has recently gone to join his father, and side by side they rest in beautiful Cave Hill cemetery, at Louisville, Kentucky. His wife, widowed at twenty-six, and still his widow now (1897), at eighty-one, is living at her home in Louisville, where, surrounded by a large circle of friends, she still exhibits in all their ripened perfection those rare graces of mind and heart which furnished so much of inspiration to her talented young husband. Rich must she be in the memories of the three noble men whose lives were so intimately entwined with her own: the father, whose artist fame grows broader and brighter every year; the son, whose life, a benediction to all it touched, was to her absolute devotion; the husband, whose giant powers lifted him, all unaided



J. G. Carlisle. *James B. Beck.*

Henry Clay.

J. J. Crittenden. *R. M. Johnson.*

save by her gentle influence, to an elevation of greatness attained by no other American of like age.

HENRY CLAY was born in Hanover county, Virginia, April 12, 1777, and died at Washington, D. C., June 29, 1852. His life is familiar to almost every American, for his public acts form an important part of the history of the nation. It is therefore needless to give more than a brief account of the great commoner. No words of praise or eulogy which we could write could add to his great fame, for his name is found among the highest on the roll of the nation's eminent sons, and his memory is cherished by all lovers of the country.

At the age of fourteen he was placed in a drug store at Richmond, Virginia, but after a few months' service entered the office of the clerk of the high court of chancery, and was employed also by Chancellor Wythe, whose conversation and advice turned his attention to the law. In 1796 he became an inmate of the household of Robert Brooke, attorney-general of Virginia, and improved the opportunity afforded him for study. The year 1797 he devoted exclusively to study. Upon obtaining his license to practice, he removed to Lexington, Kentucky, in 1798. He was elected to the legislature from Fayette county in 1803, and re-elected to every assembly until 1806. In that year he was elected to the United States senate to fill an unexpired term. In 1807 he was again elected to the legislature and made speaker of the house; was re-elected to the legislature, serving until 1809, when he was again elected United States senator to fill a vacancy caused by the resignation of John Buckner Thruston, and served until 1811.

In 1811, on his retirement from the senate, he took his seat in the lower house of congress in Washington as the representative from the Fayette district, and was re-elected to the congress of 1813–15, but in 1814 resigned on being appointed one of the commissioners to negotiate a treaty of peace with England. He was again elected and served in congress from 1815 to 1820, and 1823 to 1825. He was elected speaker of the house during each term of his service, and has the distinction of being made speaker upon his first entrance as a member, and of having occupied the speaker's chair throughout his entire service in the house. In 1825 he entered the cabinet of President John Quincy Adams as secretary of state. He retired from office in 1829, and engaged in the practice of his profession. In 1830 he was elected United States senator for a full term by the legislature of Kentucky and re-elected for a new term in 1836, retiring in 1842, when he declined a re-election.

In 1849, however, he was again elected to the senate, and died while serving in congress. He was three times the nominee of his party for the presidency and three times a candidate for the nomination. His life work in the legislative halls of the nation forms an important part of the history of the country for nearly fifty years. His public utterances are written indelibly upon its pages.

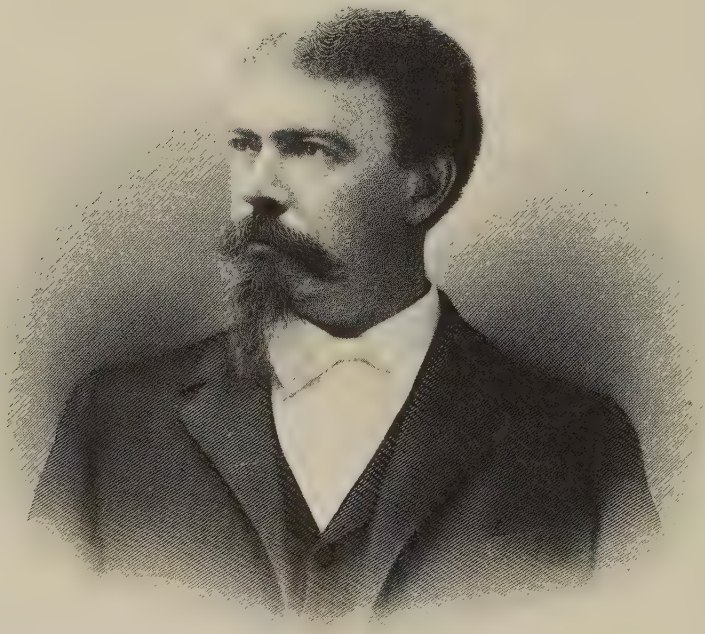
In 1799 he was married to Lucretia, a daughter of Colonel Thomas Hart, of Lexington, Kentucky.

JESSE BLEDSOE, United States senator and an eminent jurist, was born April 6, 1776, in Culpeper county, Virginia, and died in Nacogdoches, Texas, in

June, 1836. When he was quite young he came to Kentucky with an elder brother, and completed his education in Transylvania University, becoming one of the most finished classical scholars of his time. He studied law, and gained marked prestige in his profession. He frequently represented Bourbon and Fayette counties in the state legislature; was appointed secretary of state under Governor Scott, serving from 1808 to 1812; from 1813 to 1815 was United States senator for Kentucky; in 1822 was appointed by Governor Adair circuit judge of the Lexington district, and located in Lexington. At the same time he was appointed professor of law in Transylvania University, where he remained for five or six years, when, resigning both positions, he resumed the practice of law. Subsequently he abandoned the law for the pulpit, and became a minister in the Disciples' church. In 1833 he removed to Mississippi, whence he went to Texas in 1835, remaining in that state until his death. He was a man of powerful intellect, and one of the most able, eloquent and popular lawyers of his day.

WILLIAM OWSLEY, the fourteenth governor of Kentucky, was born in Virginia in 1782, and was a son of William and Catherine (Bolin) Owsley. In 1783 the father removed with his family to Kentucky, locating in Lincoln county, in the vicinity of Crab Orchard, where he lived an honored citizen and finally became high sheriff of the county. Judge Owsley received rather better educational privileges than the majority of youths of that time, and subsequently taught school for several terms, but abandoned that profession to become deputy sheriff under his father. This was the beginning of his official career. He was ambitious, energetic and industrious and would brook no interference when the obstacles could be overcome by determined purpose and honorable effort. These qualities enabled him to rise from the humble position of deputy sheriff to that of the chief executive of the state. He had a nature that never could content itself with mediocrity, and he gladly availed himself of every opportunity which would enable him to advance on the high road to success. When serving as deputy sheriff he attracted the attention of Judge John Boyle, for many years a judge of the court of appeals of Kentucky, and its chief justice. Judge Boyle conceived a strong interest in the young man, saw and recognized in him possibilities for the development of a strong character, and encouraged him to study law. He tendered to him the use of his library, then one of the most extensive in the state, and the advantage of his own instruction. Mr. Owsley eagerly grasped the offer, and studiously did he employ his time ; he was admitted to the bar and commenced the practice of law in Garrard county, advancement was steady and rapid and he soon attained the highest rank as a lawyer.

Political honors also came to him and in addition to a large practice he served his district as representative in the state legislature in 1809 and in 1811. In 1810, so highly was his legal ability regarded, that Governor Scott appointed him a judge of the court of appeals. This position, however, he held but a short time, in consequence of the legislature passing an act reducing the number of judges to three. Judge Owsley being the youngest, both in age and appointment, resigned ; but a vacancy occurring in 1813, he was again appointed to



C. J. Brouston

that august tribunal by Governor Isaac Shelby. Judge Boyle had been appointed a judge of the court of appeals some years before and was then chief justice, and the other member of the court was Benjamin Mills, a prominent member of the Bourbon county bar. Judge Owsley remained upon the bench until 1828, when he resigned.

As one of the three judges of the court of appeals which the legislature attempted to legislate out of existence, he had, with his compeers on the bench, Judge John Boyle, and Judge Benjamin Mills, resisted all attempts to abridge the authority of the court and stood firm in the face of much opposition and public outcry. Possessed of sterling virtues, he was yet deficient in those lighter graces that aid and insure political success. His unyielding adherence to principles which he deemed just, in the face of popular clamor, while befitting the judicial office, was attributed to a tyrannical disposition. He was called a cold man whose very virtue was construed as a failing in that it prevented sympathy for the failings of others.

While regarded as a sound lawyer, he was not esteemed a great one or by any means the equal of John Boyle, the chief justice. His resignation of office in 1828 was in recognition of the New Court party, and with a view of conciliating public sentiment, and Judge Mills expected to be nominated by the governor and confirmed, and to thus demonstrate that they did not hold their place in defiance of the will of the people.

George Thomas Metcalfe did nominate both Judges Mills and Owsley, but the senate refused to confirm either. Judge Mills retired to his home and resumed the practice at Paris, Kentucky, while Judge Owsley entered on the practice at Frankfort, where he met with success, continuing at the bar until 1843. During this period he served as state senator for four years and as secretary of state under Governor James T. Morehead. He purchased a farm near Danville, to which he retired.

In 1844 he was honored with the highest office within the gift of the state, being elected governor on the Whig ticket over General William O. Butler, one of the most popular Democrats of Kentucky. In the executive mansion he devoted his best energies to the faithful discharge of the high and important duties of the office, and upon the expiration of his term he retired to his farm, where the remainder of his life was passed in the quiet and peace of country life. He died December 9, 1862, at the age of eighty years. A contemporary biographer wrote of him: "Governor Owsley was tall, slender and erect. In his private character he was irreproachable; in manner simple, though somewhat reserved. He held perfect command of his temper at all times, yet never failed to act with promptness and decision in times of emergency."

His contest with Ben Hardin is a matter of history in the political annals of the state. His administration was the last but one under the constitution of 1799, and to his acts or omissions was largely attributed the calling of the convention for the framing of the constitution in 1849.

CHARLES JACOB BRONSTON, of Lexington, was born in Richmond, Kentucky, July 29, 1848, and is the only child of Thomas S. and Sallie A. Bronston. His paternal and maternal grandfathers, named, respectively, Thomas S. and Jacob, were brothers, natives of Chambersburg,

Pennsylvania. The former became an early settler of Fayette county, Kentucky, and the latter was a Madison county farmer and trader and a pioneer minister of the Christian church. The father, Thomas S. Bronston, Jr., was born in Fayette county, February 14, 1817, but spent the greater part of his life in Madison county, where he married his cousin Sallie, a native of that locality. His home was in Richmond, where he died December 17, 1890, at the age of seventy-four years. He was a self-made man who, by his own efforts, worked his way upward from a humble position to one of prominence, becoming a leader in the affairs of state and accumulating a handsome competence through merchandising, to which pursuit he devoted the greater part of his life. In 1875 he was called from private duties to serve as assistant secretary of state under Governor McCreary, and in 1884 he was appointed by President Cleveland collector of internal revenue of the eighth district, in both of which positions he served with distinction and credit to himself and party. For many years he was a most zealous and faithful member of the Christian church, was the founder of the church of that denomination in Richmond, and lived to see it become the strongest church in the county. He was also a liberal supporter of the Madison Female Institute, a seminary under the management of the Christian church, and his benevolence and charity were as broad as humanity.

Charles J. Bronston was provided with a most liberal education, and he availed himself of such utilitarian principles as would fit him for life's responsible duties. He obtained his early education in the public schools of his native county and later attended the Kentucky University, in Lexington, where he was graduated in 1869 with the highest honors of his class, of which he was valedictorian. One year later he took a special course in the study of law at the University of Virginia, his preceptor being the gifted John B. Minor, and was graduated in 1871. The same year he entered upon the practice of his chosen profession as a law partner of Hon. James B. McCreary, afterward governor of Kentucky and now representative in congress for the eighth Kentucky district. Almost from the beginning he prospered, and now has a *clientele* of so distinctive a character as at once to indicate his superior legal attainments. He is a most eloquent and earnest speaker, the arrangement of the evidence showing careful preparation of his case, while his forceful and logical arguments before judge or jury always carry weight and seldom fail to convince. He never loses sight of an available point and makes each fact apply with telling force, while his ready command of language and his oratorical ability have won him marked prestige as one of the most able and successful lawyers of the state.

In 1874 Mr. Bronston was elected professor of commercial and criminal law in Central University, and in 1879 he was elected commonwealth's attorney for the district composed of Madison, Fayette, Clark, Bourbon, Scott, Woodford and Jessamine counties. Soon after his election he removed to Lexington, where he has since resided.

Mr. Bronston filled the position of commonwealth's attorney for this district until Fayette county became a separate district, when he was again elected without opposition as commonwealth's attorney for Fay-

ette county, retaining that incumbency for fifteen years and ranking among the ablest prosecutors of the state. In 1895, however, he resigned that office to assume the duties of state senator, for which position he was nominated by the unanimous vote of his party and elected by a large majority as the Democratic nominee. As a prosecutor he was extremely vigorous, regardless of the social standing, race or condition of the defendant. He has been employed to assist in prosecuting criminal cases of great aggravation in various parts of the state and has been uniformly successful.

At a great sacrifice of personal interests he accepted the office of state senator, feeling it his duty to serve his party and state when thus called upon by his fellow citizens. He was one of the most active and influential members of the senate during the session of 1895–6, taking a deep interest in all legislative measures that came up for settlement, and was the leader of the movement to elect a Democratic successor to Hon. J. C. S. Blackburn, United States senator.

When in 1890 the citizens of Kentucky selected their representative men and entrusted to their care the framing of a new constitution for the state, the people of Mr. Bronston's district conferred upon him the honor of making him their delegate to that important convention, and in its sessions he was soon recognized as one of its leading members. His wonderful resources, his profound knowledge of constitutional law and his readiness in debate enabled him to handle with ease the great questions which came up for settlement,—questions affecting the future weal of the state. Though one of the youngest members of that body, he at once took rank with the leaders,—men skilled in common, parliamentary and constitutional law,—and possibly had more to do with the present condition of the organic law of the state than any other member of the convention.

In 1896 there occurred a political contest that will long be memorable in the history of the country. Mr. Bronston was the choice of his county for congressional honors, and in the seventh district outside of his own county he had many warm and enthusiastic supporters. The party convention, held in Frankfort, was of long duration and finally adjourned without effecting a nomination. Mr. Bronston's self-abnegation and the subordination of all personal and local interests to harmony and good feeling throughout the district caused him to consent to the nomination of Hon. Evan E. Settle, of Owen county, after one of the most heated contests ever experienced in the district. He devoted himself to the success of his party and its candidate, and by his personal efforts contributed materially to the majority by which Mr. Settle was elected. He has always been an ardent supporter of the principles of Democracy, firmly believing that the future welfare and happiness of the great mass of the common people depends on the ultimate triumph of the tenets promulgated by the great leaders of the party. All of the political offices which he has filled, virtually won without opposition, have been filled with honor to his state and credit to himself.

In 1874 Mr. Bronston was united in marriage to Miss Susie Wallace Hughes, daughter of William T. Hughes, of Fayette county. His wife died May 14, 1891, leaving six children, three sons and three daughters, to whose welfare Mr. Bronston devotes himself with untiring care. His large practice has enabled him to provide a luxurious

home for his family and to supply them with every advantage for intellectual improvement. He was united in marriage in 1897 to Miss Wisdom, of Paducah, a lady of education, refinement and wealth.

For some years Mr. Bronston was a member of the school board of Lexington, and has long taken a deep interest in all measures calculated to advance the educational, moral or material welfare of the community. He is a man of strong attachments, who holds friendship as inviolable, and has the happy faculty of drawing his friends closer and closer to him as the years pass by.

JOHN R. ALLEN is a well-known practitioner at the Lexington bar. As the progress and prosperity of a nation is the result of an aggregate endeavor of its individual citizens, so the history of a nation is the record of the aggregate achievements of its people. Biography thus becomes the very foundation upon which must rest all general history of mankind. The importance of making permanent record of the life work of men who are worthy of such distinction cannot be overestimated. One of the strongest influences exerted on the life of a community is that of the bar. Its members have ever been prominent in public affairs, and the gentleman whose name heads this review is no exception to the rule.

Mr. Allen was born in Keokuk, Iowa, on the 25th of December, 1857. His father, John R. Allen, was a native of Green county, Kentucky, descended from an early pioneer family of that name who came from Virginia. He was a physician and at the time of the birth of John R. was residing in Keokuk, Iowa, but removed the following year to Memphis, Tennessee. His wife, who bore the maiden name of Elizabeth Robards Buckner, was a daughter of Richard A. Buckner, Sr., who represented his district in congress and later was judge of the court of appeals of Kentucky.

John R. Allen pursued his educational course at the Kentucky Military Institute, near Frankfort, and at the Virginia Military Institute, near Lexington, Virginia. Later he was graduated at the Southwestern University, at Clarksville, Tennessee, with the class of 1876, receiving the degree of Bachelor of Arts. His literary education being completed, he entered upon the study of law in the Kentucky University, at Lexington, where he was graduated in 1877. The same year he was admitted to the bar and entered into partnership with his uncle, Richard A. Buckner, Jr., ex-judge of the circuit court, under the firm name of Buckner & Allen. Later he was associated with J. H. Beauchamp, and since 1890 with the Hon. C. J. Bronston.

His law practice has covered a wide range of cases, both civil and criminal, including many of note, and his able management of these has attracted widespread attention. He was of counsel for the prosecution in the case of the commonwealth versus Thomas O'Brien, one of the most remarkable murder trials of the state, involving the murder of a young girl, where circumstantial evidence was all that was obtainable; but so ably was the case conducted that conviction of the defendant was secured. The case was appealed, and application was even made in the courts of the United States, in an effort to secure a hearing before the United States supreme court, but the first conviction stood and the criminal was executed. Mr. Allen is a close

student of his profession, very familiar with authorities; his arguments always show forth the most painstaking preparation of his cases. He is a forcible speaker, before either judge or jury, and his logic and eloquence never fail to carry weight and seldom fail to convince.

Mr. Allen has long advocated Democratic principles, and is recognized as an able worker in the ranks of the party. For several years he was chairman of the Fayette county Democratic committee, was a member at one time of the state central committee, and active in the political contests and canvasses, although in his own races for office he has never been opposed by a contesting candidate. He has filled, with credit to himself and entire satisfaction to the public, the office of city attorney for four years, was master commissioner of the circuit court for two years, and has been county attorney for ten years, being now in his third term in that office. He was tendered by the judge of the Fayette circuit court the office of commonwealth's attorney on the resignation of the Hon. C. J. Bronston, in 1896.

Mr. Allen has taken a deep interest in the affairs of the militia organization, in which he served for over eight years, during which time he participated in the protection of two criminals threatened with mob violence at Ashland and Catlettsburg, Kentucky; as commanding officer in charge, he was compelled to use military force to uphold the civil authorities, the attack of the mob being repelled by the troops with loss of life on both sides. The case was one of atrocious murder, and the excited people attempted to take the law into their own hands. This necessitated the calling out of the militia; the mob making the attack suffered the loss of several of their number. As an evidence of cool determination, of bravery and strict adherence to the line of duty and respect for law and authority, the action of Major Allen merited and received the approval of the law-abiding element not only of Kentucky but also of the country at large. He was major, commanding the second battalion, Kentucky State Guards, at the time, and was later elected colonel of the Third Regiment, resigning from the service in 1883. The precision and method of his military life is seen in all that he does, in his well-appointed library, where every volume is in its place, in the various appointments of his office and the fidelity with which he keeps an engagement.

February 3, 1885, Mr. Allen was married to Eliza M. Duncan, daughter of Hon. H. T. Duncan, one time mayor of Lexington. He is a member of Merrick Lodge, Independent Order of Odd Fellows, and of the Benevolent, Protective Order of Elks.

JAMES BIRNIE BECK, of Lexington, United States senator and one of Kentucky's eminent jurists, was born in Dumfriesshire, Scotland, February 13, 1822, and died May 3, 1890. He acquired a classical education in his native land, being especially proficient in Latin. When about seventeen years of age, in 1838, he left his native heath and sought a home in the "land of the free." He made his way to Wyoming county, New York, where he joined his father, who had settled there some years previously and engaged in agricultural pursuits, leaving his son to complete his literary education in Scotland. After a short time spent in the Empire state, James B. Beck made a tour of Michigan, Wisconsin

and other northwestern states, but found no location to his liking in that section of the country. In 1843 he came to Lexington, Kentucky, and was so pleased with the people and so charmed with the country comprising Fayette county that he determined to make his home within its borders. He was without acquaintances or friends in that locality, but possessing a self-reliant nature he at once sought employment and engaged with Drummond Hunt, then a prosperous and prominent farmer, in the capacity of superintendent of his plantation. He also frequently worked as a hand in the hemp fields, when laborers were too few, and in this humble way the future senator began life in his adopted state.

When his day's work was done and all his farm duties faithfully performed, Mr. Beck devoted the evening hours to the study of law, and thus prepared himself for admission to the law department of Transylvania University, in Lexington. That school was then at the zenith of its power and employed a most proficient corps of teachers, especially in the law. After reading law alone for some time, Mr. Beck matriculated in that institution, where he at once took high rank as a student and early developed those qualities and characteristics which distinguished him in his remarkable career in his profession and in politics. He possessed superior physical strength and wonderful capacity for prolonged physical and mental labor, and did not count the cost in striving for perfection in his chosen life work. He was graduated in March, 1846, and in Lexington at once entered upon the practice of his profession, which he pursued uninterruptedly, never holding any office until elected to congress, in 1867. His legal learning was most comprehensive, and his application of the principles of law to litigated points was most accurate and reliable. He was an excellent judge of men, had a keen insight into character, and was accordingly particularly strong in the examination of witnesses. He possessed indomitable energy and intense application, and worked up his cases faithfully even to the minutest detail, never omitting any point which would contribute to the success of his cause. As an advocate he was alert, active and earnest, and his sincerity never failed to make a deep impression upon the jury. Kentucky had few, if any, more successful advocates. His "forte" was not oratory; his power lay in the complete mastery of the facts and in a clear and forceful presentation of them. He was always ready for any emergency that might arise in the progress of a trial, was resourceful and animated, and had few peers in the forum.

Mr. Beck's reputation in the field of politics, covering an almost consecutive service of twenty-one years in house and senate, was no less brilliant; in fact, he gained a national reputation in connection with his advocacy of congressional measures affecting the welfare of the entire country. In 1867 he was elected to congress, was re-elected in 1869, again in 1871 and a fourth time in 1873, serving for eight consecutive years in the national house of representatives. During the sessions of the fortieth congress he was a member of the reconstruction committee, of which Thaddeus Stevens was chairman, and was conspicuous in his influence over the acts of that committee; was a member of the committees on reconstruction and appropriation during the forty-first congress, was a member of the committee on ways and means in the forty-second and forty-third congresses and

distinguished himself by his great industry, ability and zeal. In January, 1876, he was elected to the United States senate, being selected, without opposition, by the legislative Democratic caucus. He took his seat March 4, 1877, was re-elected in 1882, and again in 1888, but died suddenly at Washington, May 3, 1890. His name had previously appeared on several occasions, in the party caucuses, for the same position. He was a member of the Charleston and Baltimore conventions of 1860, and at the former place assisted in the nomination of John C. Breckinridge. He was identified with the Whig party until its dissolution, casting his first presidential vote for Henry Clay, in 1844; was the law partner of John C. Breckinridge from 1854 until 1860, and supported Mr. Breckinridge in his race for the presidency.

Mr. Beck was married February 3, 1848, in Louisville, to Miss Jane W. A. Thornton, of Loudoun county, Virginia, stepdaughter of Governor James Clark, of Kentucky, and daughter of George W. Thornton, grandnephew of General Washington.

Mr. Beck was particularly fond of athletics and out-door sports, and his splendid physique and physical powers made possible the great mental strain which he often placed upon himself. He was six feet in height, broad-shouldered and strongly built, with brown, wavy hair and deep-set, blue eyes, which twinkled with humor. In manner he was most cordial and genial. Young men, especially young members of the bar, found in him a faithful friend to whom they could go for advice and counsel at all times. He was wholly devoid of affectation of manner and was quick to recognize genuine worth in any individual, no matter what their station in life. This brought to him many friends from all classes; and, while his professional brethren accorded him high standing at the bar, people in all classes gave him a free-will offering of respect and esteem.

JOHN B. HUSTON, of Lexington, one of the brightest stars of a famous bar, came of the Scotch-Irish race, which has given so many dutiful citizens to America, including many who have attained eminence in the new world. He was born in Nelson county, October 1, 1813, and passed away at Winchester, November 16, 1881. His parents were Cameronian Presbyterians, and he was reared according to the strictest mode of training in vogue in the God-fearing and Calvinistic households of that earnest, if stern, denomination. To the day of his death he could quote extensively from the Bible, the Confession of Faith and the Shorter Catechism, and these gave to his conversation and forensic speech a rich and homely flavor that was one of the elements of his power.

Mr. Huston was graduated at Center College, in 1833, with the highest honors of his class. He taught school at Walnut Hill and for a time was tutor at Center College, and was accounted a remarkable teacher. He read law under the preceptorship of Judge Daniel L. Mayes and Joshua F. Bell, and received his diploma from Transylvania University in 1835, but returned to his profession of teaching for a year, when, having married Miss Mary J. Allan, September 1, 1836, he settled in Winchester in the practice of the law as a partner of his father-in-law, Chilton Allan, a prominent lawyer of that bar, who with James Clark, James

Simpson, Samuel Hanson and C. S. French constituted a group rarely equaled in the state. To maintain one's self at such a bar is fame. Mr. Huston early took rank with them, and, according to the judgment of the generation in whose sight and hearing these men lived and acted, he greatly surpassed them as an advocate.

In 1839 Clark county sent him as its representative to the state legislature, and again in 1855 and 1857. He was speaker of the house in 1855–6, and again in 1861. In 1864 he removed to Lexington, with his partner, W. S. Downey, who was an advocate of great power and eloquence, and for seventeen years practiced law with distinguished success in that city. He was in almost every important trial before a jury and became one of the best known men in the county, if not the best, and withal he was kindly and genial. He was singularly free from every form of envy or jealousy, and was almost too peaceable, too forgiving. He became distinguished as a "stump" speaker and for forty years his public addresses drew crowds whose close attention he held. He had many of the mere personal gifts of the orator: in stature over six feet, full-chested, graceful and impressible, a bright eye, a finely-shaped head, a powerful and pleasant voice, and a face so expressible that as an orator in pantomime he would have become famous. His manner and delivery were striking and at times superb.

His intellectual gifts surpassed his physical qualities. His imagination was bright, his fancy delicate and captivating, his humor irresistible and inexhaustible, his declamation unconsciously beautiful, and the matter of his speach always worthy of attention and consideration. As an advocate in criminal cases, take him all in all, he never met his superior. He was a fine judge of men, fertile of resources, adroit, patient, wary, acute, bright and quick; and from the moment his case was called until it ended he was alert to watch, to persuade, to control his jury, and when he came to make his argument he was indeed a giant.

Those who heard his argument in the Gay or Gilbert-Holmes cases, or the defense of Todhunter, or of Ball, deemed no word of praise too extravagant. His fame, builded upon his forensic speeches, ranks him with Bledsoe, Barry, Hardin, Rowan, Menefee and Marshall.

As the tide of life ebbed, his heart and mind seemed to be gathering up, for an eternal support, the promises he had learned when a fair-haired, bright-eyed boy in his beloved home in Nelson; and often he audibly repeated the Lord's prayer, and in the long hours of the slowly passing night his attendants would hear him murmuring passages of the New Testament, or the lines of Grey's Elegy:

> "The boast of heraldry, the pomp of power,
> And all that beauty, all that wealth e'er gave,
> Await alike the inevitable hour:
> The paths of glory lead but to the grave."

GEORGE BLACKBURN KINKEAD was born at Cane Spring, Woodford county, September 25, 1811, and died at Lexington, Kentucky, November 11, 1877.

For forty-five years Mr. Kinkead honored the profession of law by an industrious, courteous, pure, honest life. His was a fortunate beginning, coming of a race of God-fearing and substantial ancestry, born of pious, intelligent and loving parents, reared in a beautiful country, among honest

and intelligent neighbors. His youth was passed in a community where the influence was good and only good. His early teacher was Dr. Louis Marshall, among whose pupils were many men who have achieved fame in Kentucky. He was a man whose great attainments did not surpass his rare gifts. His brother was the eminent jurist, John Marshall, chief justice of the United States supreme court.

Mr. Kinkead was graduated at Transylvania University under most favorable auspices, and completed his legal studies under the care of Judge John Boyle, in whose house he boarded and with whom he was upon the most confidential relations until the death of that pure and great man. Before entering upon practice at the bar he had connected himself with the church of his fathers. Fortunate in his home surroundings and his educational training, he entered into active life well prepared in every way; and his career, honorable in business and loyal in social life, showed him to be a worthy pupil of Marshall and Boyle and a faithful, conscientious follower of the Master whom he acknowledged early in life. He was a man of scholarly attainments, an able and eminent lawyer and a true Christian gentleman. He did conscientiously whatever his duty as a citizen required, and gave open and bold utterance to whatever views he entertained upon public questions. There was no selfish or cowardly withdrawal from the duties of citizenship, but only an absence of all thought of political reward or promotion. He knew the people among whom he dwelt and had their confidence; he was familiar with the principles and precedents of his profession, expert and ready in its practice; he was wise in counsel, adroit and resourceful in trial, ready and strong of speech. The will which ruled a feeble, suffering body and a quiet nature, gave force to the contests of the former, and at the same time he added to his legal strength the courtesy of the gentleman, treating lawyers, jurors and witnesses with the utmost consideration.

In literary culture he was perhaps superior to most of his professional brethren. His acquaintance with the best of the English authors and with the classics was wide and accurate. He read Cicero in the original with delight and seemed to know Milton by heart. The Bible was to him a familiar friend, and in every department of elegant literature his knowledge was quite extensive. He had no political ambition, and sought no office, but throughout his life, by every word and act, he helped to maintain that tone and character which have ever distinguished the bar of Lexington. John Marshall and John Boyle were to him model lawyers, their example well worthy of emulation by all who desired to attain the highest and best in the profession. He held to the old-time ideas that broad erudition, continuous and comprehensive study and gentlemanly courtesy were essential characteristics of the lawyer, and he upheld by an upright life the majesty of the law. No one can measure the value of such a life and character in the community. Of few can it be said at the close of an earthly pilgrimage of sixty-seven years,—forty-five years being passed in active professional labors,—that he lived a spotless life, and died in the triumph of the Christian faith; that the only tears he caused to be shed were those that fell upon his bier as family and friends laid to rest one whom they had long loved and honored.

WILLIAM A. DUDLEY was born June 9, 1824, in Lexington, and died in that city March 19, 1870. He was the second son of the eminent surgeon, Dr. B. W. Dudley, was carefully educated, matriculating in Princeton College, New Jersey, where he was graduated in 1842. He studied law under M. C. Johnson, of Lexington and entered on the practice in 1844. He was successful in his profession and regarded as an astute and able lawyer. He entered at an early day upon great commercial enterprises: at the age of twenty-five years became the president of the Louisville & Lexington Railroad, and not long thereafter built a short-line road from LaGrange to Cincinnati.

His executive ability, strict integrity, energy, excellent judgment and patriotic devotion to the permanency of the Union, caused him to be selected as quartermaster-general of Kentucky during the war, a most merited appointment. In 1865 he was elected to the state senate, this being the only public office held by him.

Mr. Dudley was married December 23, 1845, to Mary J., daughter of John T. Hawkins, of Lexington. He was of a domestic nature, fond of home and family, a most genial companion and a courteous, kindly man, devoted to his friends.

GEORGE SEA SHANKLIN, of Lexington, was born in Jessamine county, Kentucky, on the 23d of December, 1807, and died April 1, 1883. He descended from one of the old and honored families of Virginia. His grandfather located in that state in 1745, with a Scotch-Irish settlement, and was one of the pioneer surveyors of Fincastle county. His father, Robert Shanklin, was also a surveyor, and was a member of the board of pioneers who first established Harrod's Station. In 1784 he removed his family from the south branch of the Potomac to Jefferson county, and later moved to Jessamine county, Kentucky.

George S. Shanklin attended a private school in Nicholasville, taught by Professor O'Brien, a man of high scholarly attainment, who was graduated in the famous Dublin University. O'Brien was educated for the priesthood of the Roman Catholic church, and was a man of great ability but eccentric habits. Mr. Shanklin prepared for the bar and was for many years successfully engaged in the practice of law, his ability securing to him a large clientage. He was also called to public office on various occasions, and his devotion to the best interests of the public was above question. About 1854 he was appointed commonwealth's attorney by the governor of Kentucky. He was a member of the state legislature during the Civil war, and was a Union Democrat. On the McClellan ticket he was made a presidential elector, having previously served as a delegate to the national convention in Philadelphia, and was elected to congress for one term, serving from 1865 to 1867. He was an active factor in the politics of the state, and his record shows that he was a man of broad mental grasp, who had a comprehensive understanding of the leading questions that divide parties. His legislative work was carefully considered, and, in consequence, was efficient; and at the bar and in the councils of the state and nation he was highly regarded and had the respect of all with whom he came in contact.

Mr. Shanklin married Miss Martha West, a daughter of Elliott West. After her death

he wedded Miss Mary Shelby, in 1854, a granddaughter of Governor Isaac Shelby. On the 30th of September, 1859, he was again married, his third union being with Mrs. Mary (Price) Taylor, daughter of Daniel B. Price, for many years a county official in Jessamine county. The children of Mr. Shanklin are George Sea Shanklin, now a well-known attorney of Lexington; Elliott West, Mattie P., and Mary E. All are now residents of Lexington.

JOSEPH C. S. BLACKBURN, United States senator and lawyer, of Versailles, Kentucky, was born in Woodford county, October 1, 1838. His early education was obtained in an excellent private school conducted by B. B. Sayre in Frankfort; later he attended Center College, of Danville, where he graduated in 1857. He studied law under the direction of George B. Kinkead, of Lexington, was admitted to the bar in 1858 and practiced until 1861. At that time he entered the Confederate army and served throughout the war, after which he resumed the practice of his chosen profession in 1865. In 1871 and 1873 he was elected to the Kentucky legislature, in 1874 was elected to the forty-fourth congress, and by re-election was there continued until during his fifth term, serving continuously from 1875 to 1885, when he was chosen by the Kentucky legislature to represent the state in the United States senate, and re-elected in 1891 for a second term. Senator Blackburn is one of the most conspicuous figures in American politics, and a leader of the free-silver branch of the Democratic party. His extended experience in the council chambers of the nation and in the political field has characterized him as a man of rare gifts and great power. He has few equals as a public speaker. Well informed, of instinctively quick perception, he is formidable in debate, whether in the deliberative assembly or before the people. His powers of elocution are exceptionally fine, and his oratory is equaled by few men in public life. Of impulsive and ardent temper, behind a genial and chivalrous spirit, he is a general favorite with his friends, whose admiration rarely stops short of the wildest enthusiasm. At the time of going to press with this volume, April, 1897, a contest for the election of Senator Blackburn's successor is in progress. Throughout the session of the legislature of 1896, no election was effected, and at the special called session the election of a successor is still an open question.

EDWARD L. HUTCHINSON, of Lexington, was born July 31, 1858, near Charleston, South Carolina, and descends from one of the earliest families of that state. His first American ancestors settled at Travelers' Rest, South Carolina, as early as 1684, and for nearly two centuries the family continued to reside at that place. They accumulated considerable property, but the Civil war completely shattered their fortune. The father of our subject was Mathias E. Hutchinson, a lawyer of note. He married Louisa Bonneau, who was born in the same state, descending from the French Huguenots.

In the public schools of his native city Edward L. Hutchinson acquired his preliminary education, and then entered Porter Academy, where he was graduated in 1875. He then pursued the classical course in Union College, in Schenectady, New York,

and was graduated with the class of 1879, receiving the degree of Bachelor of Arts. Returning to Porter Academy he was employed as a member of the faculty for a year, and in the fall of 1880 he removed to Lexington to accept the position of private tutor in the family of Mr. Alexander Jeffrey, his leisure hours, while so engaged, being devoted to the study of law under the supervision of the Hon. James Birnie Beck and Mr. Robert A. Thornton.

In May, 1883, Mr. Hutchinson was admitted to the bar, but in order to further perfect himself in his chosen calling he continued his studies for a year in the office of Henry Daily, Jr., an eminent jurist of New York city. Returning to Lexington in the summer of 1884 he established himself in practice,—a practice which has steadily increased in extent and importance. It has been large and varied, and though his preference is for civil law he has yet been retained as counsel on several important criminal cases, where he has shown the versatility of his powers by the successes he has achieved. His ability as a trial lawyer is widely recognized. He is a man of magnetic character, has a keen eye, is quick and accurate in his judgment of character, with a ready command of language and an engaging delivery.

In politics Mr. Hutchinson is a stalwart Democrat, an able and effective worker in the interests of his party. In 1886 he was elected city attorney of Lexington for a two-years' term, and in 1888 was re-elected. In 1892 he was chosen a member of the board of aldermen for two years, and in 1895 was appointed by the mayor to fill a vacancy in the board of council ; was elected president of that body in September, 1895. In November he was elected a member of the board and re-elected its president on its reorganization in January, 1896. He is an active factor in the administration of the affairs of the city, and recognized as a progressive, public-spirited citizen, advocating measures best calculated to promote the interests of the municipality.

Mr. Hutchinson is a member of Christ Protestant Episcopal church, of Merrick Lodge, No. 31, I. O. O. F., and of Phantom Lodge, K. P. Courtesy marks his intercourse with every one and he has a host of warm friends in Kentucky.

CORNELIUS SUYDAM SCOTT, of Lexington, was born in New York city, February 22, 1852. His father, Dr. John W. Scott, was a native of Fayette county, Kentucky, and belonged to the Scott family of Pennsylvania. For many years he engaged in the practice of medicine and was also connected with the business interests of Lexington as one of the founders and president of the Northern Bank of Kentucky. He married James H. Suydam, a descendant from the old Holland family of Suydam that early settled in the Dutch colony of New York. Both families furnished loyal soldiers to the patriot army during the war of the Revolution.

Dr. Scott superintended the education of his son Cornelius up to the age of thirteen years, after which time he continued his studies in a private school at Lexington and prepared for entrance into Princeton College, New Jersey, where he was graduated in the class of 1872, with the degree of Bachelor of Arts. Mr. Scott later pursued a special course in the modern languages, in Danville, and spent the winter of 1873–4 at Oxford, Mississippi, as a student in the law department of the University of

Mississippi. He was graduated at that institution in 1874, with the degree of LL. B. Mr. Scott desired to still further perfect himself in his chosen profession, and in the winter of 1874–5 pursued a course in the law school of Columbia College, of New York, then under the management of Professor Dwight, and was graduated at that institution in the summer of 1875, with the degree of Bachelor of Law.

After examination before the court of appeals of Kentucky Mr. Scott was admitted to the bar, June 9, 1875, and, thoroughly equipped by extensive and accurate knowledge of the principles of the law, he began practice in Lexington, where he has since remained. Although his practice has been to some extent of a general character, it has largely been confined to real-estate law and the management of estates. Much of his business is therefore advisory and never reaches the courts. He is held in the highest esteem by many of the most prominent business men of Lexington and the volume of his clientage is extensive.

On the 10th of September, 1878, Mr. Scott married Miss Mattie Lea Searles, daughter of James Lindsay Searles, of Lexington and later of New York, where he was in the banking business as a member of the firm of Harney & Searles. Mr. Scott gives his political support to the Republican party, but has never sought or held public office. He is a member and elder of the First Presbyterian church of Lexington, and is a liberal contributor to church and charitable work. Busily engaged in the practice of his profession, he occupies a prominent place among the leaders of the bar, and is widely known and esteemed for his unswerving fidelity of purpose and distinguishing abilities.

WILLIAM CASSIUS GOODLOE was born at Castle Union, the country residence of his maternal grandfather, Colonel John Speed Smith, in Madison county, Kentucky, June 27, 1841. He was descended from old Virginian and Kentucky families. His great-grandfather, General Green Clay, figured prominently in the history of the country during the war of 1812. His grandfather, Colonel John Speed Smith, was one of the most distinguished lawyers of his day. His father, General D. S. Goodloe, a native of Madison county, Kentucky, was a successful merchant and planter, and held high office in his county and under the general government. The Goodloes were pioneers of Kentucky and aided in founding the commonwealth, taking an active and leading part in those events which form the annals of the state. General Goodloe married Sallie Ann Lewis Clay Smith, the eldest daughter of Colonel John Speed Smith, and in 1845 removed with his family to Lexington. He was made major-general of the state militia in 1851, and during the Civil war was unwavering in his support of the Union. His political support was given to the Whig party, and he held various official positions, serving as United States revenue agent, supervisor of internal revenue and United States pension agent. One of the most prominent Masons of the country, he held the second highest position within the gift of the fraternity and declined the highest official honor that the order can confer.

William Cassius Goodloe acquired his education in private schools of Lexington, the Transylvania University and the Kentucky University. In May, 1861, when a member of the senior class of the last-named institution, he was appointed private

secretary to General Cassius M. Clay, his great-uncle, who had been appointed United States minister to Russia. Mr. Goodloe accompanied General Clay to St. Petersburg, where he remained about one year, during the greater part of the time also acting as secretary of the legation. In the summer of 1862, feeling that his duty called him to more active service on behalf of the Union, he returned to his native land and joined the boys in blue. In 1863, by order of the secretary of war, he was assigned to recruiting service, and while thus engaged was so seriously injured that he was forced to resign his commission and retire from the army.

Mr. Goodloe then took up the study of law and in 1864 was admitted to the bar, where he won prestige as the result of his superior talents, his unflagging industry and his unremitting zeal on behalf of his clients. A recognized leader in the ranks of the Republican party, he did much to mold public sentiment and manfully defended his views at a time when both moral and physical courage were demanded of the followers of Republicanism in the south. He joined the party on its organization and was outspoken in his advocacy of its principles, even when such a course made the followers of the party very unpopular. He defended the measure providing for the admission of negro testimony in the state courts, also the adoption of the thirteenth, fourteenth and fifteenth amendments to the federal constitution. In 1867 he began the publication of the Kentucky Statesman, being both editor and proprietor. This paper formed an important element in advancing the interests of the "new south," in bridging over differences and doing away with the troubles that arose from the war. The comprehensive mind of the editor, his close study of the situation of the country and his sound judgment led to an accurate understanding of the national life at that time, and his paper exerted a widespread influence.

In 1871 Mr. Goodloe was elected on the Republican ticket to the state legislature, serving for two years in the lower house; in 1873 was elected state senator and during the session received the undivided support of his party for United States senator. In 1875 he was honored by his party with the nomination for attorney-general of Kentucky; in 1878 he was appointed United States minister to the court of Belgium, where he remained two years, when, in the fall of 1880, he resigned and returned to his home in Lexington. In July, 1889, he was appointed collector of internal revenue for the seventh district of Kentucky, serving in that capacity until his death.

Throughout the nation Mr. Goodloe was regarded as one of the leaders of the Republican party. He was a delegate to the Republican national convention in 1868, was a delegate-at-large and chairman of the Kentucky delegation in the national convention of 1872, and was delegate-at-large in 1876. In 1868 and in 1876 he was a member of the committee which carried official notification to General Grant and General Hayes of their respective nominations. He took an active part in the campaigns, canvassing Kentucky, Indiana, Ohio and other states. As a public speaker he had few equals, his oratory being at once logical, convincing, brilliant and eloquent. On the 1st of May, 1888, he was elected a delegate to the Republican national convention in Chicago, and was made a member of the national committee of his party.

On the 8th of June, 1865, Mr. Goodloe

married Miss Mary E., daughter of Samuel Mann, of Mannville, Rhode Island, a prominent manufacturer, who was descended from William Mann, who settled at Cambridge, Massachusetts, about 1640. The latter was a direct descendant of Sir Charles Mann, of Hatton Braddock, in Kent, knighted in 1625 by Charles I. On the maternal side Mrs. Goodloe is connected with the prominent Brownell family, being a grand-niece of Bishop Brownell, of Connecticut, and granddaughter of Jonathan Brownell, of Rhode Island. Mr. and Mrs. Goodloe had eight children, namely: Mrs. Thomas McDowell; Annie, wife of Andrew G. Levnan; Louise, Wilhelmina, Elsie, Grace, William Cassius, and Green Clay.

The death of Mr. Goodloe seems to be one of those fatalities which sometimes occur as the result of seemingly unavoidable circumstances which force the participants into situations utterly foreign to their nature. A political difference arising between Mr. Goodloe and Colonel Armstead M. Swope,—both ardent Republicans and leaders of their party in the state,—the conditions of society in Kentucky and the fear of being charged with cowardice led to the continuance of a feud that would probably have died out and been forgotten if biased only by the natures of the two men, both of whom were naturally just, generous and brave. The trouble, however, was continued and grew from May, 1888, until November, 1889, when the fatal meeting occurred in the postoffice in Lexington. Evidence as to whom the aggressor was at the time is slight and conflicting, but both men met death at the hands of the other. Colonel Goodloe died in the firm belief that his opponent was the first to begin the trouble, and the friends of Colonel Swope are equally firm in the belief that he was the victim of the other's hatred. Both were men of noble impulses and tried courage. From his associates of the Republican national committee came letters of condolence to the family, and telegrams and messages of sympathy from all parts of the country were sent by men prominent in public life, including ex-President Hayes, Hon. J. B. Foraker, Hon. W. W. Dudley, Hon. J. S. Clarkson, Hon. R. A. Alger, Hon. James H. Wilson, Hon. B. H. Bristow and Hon. John Mason Brown. The fatal shooting occurred November 8, 1889, and two days later Mr. Goodloe passed to the life beyond.

From General Russell A. Alger, of Detroit, Michigan, came the following telegram to Mrs. Goodloe: "Please accept for yourself and your dear family the heartfelt sympathy of our entire household in this dark hour. God bless and give you all strength to bear your great sorrow."

Colonel Goodloe was a man of high courage and spirit; a most lovable man, whose many friends felt toward him the affection that goes with close kinship. His irreproachable integrity and uniform courtesy commanded respect and admiration, and his genial nature and consideration for others won him the good will of thousands with whom his public career brought him in contact. He was one of Kentucky's most gifted sons, a man of national fame, honored at home and abroad.

WILLIAM ROGERS CLAY, of Lexington, although a young man, has already made an impress for good on the social, educational and professional life of Lexington, and well deserves to be mentioned among the highly esteemed residents

of the city. He comes of a family of long and prominent identification with the history of the country.

Among the earliest settlers of Kentucky, coming to this state from Mecklenburg county, Virginia, in 1787, was Dr. Henry Clay, the great-great-grandfather of our subject, and a descendant of John Clay, who settled in what is now Chesterfield county, Virginia, in 1613, only seven years after the planting of the first colony on American soil, and seven years before the landing of the Pilgrims at Plymouth Rock. Mr. Clay is also a great-great-grandson of Rev. Dr. David Rice, founder of Hampden Sidney College, in Virginia, and of Transylvania Seminary, in Kentucky, the latter now Kentucky University. Dr. Rice was a prominent patriot of the Revolution, a member of the Kentucky constitutional convention of 1792, and the founder of the Presbyterian church in Kentucky, whose adherents have erected a stately monument to his memory at Danville. Dr. Rice married Mary Blair, sister of Rev. Samuel Blair, Jr., president of Princeton College, New Jersey, and chaplain of the Continental congress. Her father, Rev. Samuel Blair, was the founder of Fagg's Manor Seminary, in Pennsylvania, and professor of divinity in Princeton College. He married Frances, the daughter of Judge Lawrence Van Hook, the first Dutchman to hold an official position in New Jersey. The grandfather of our subject, Colonel Littleberry Clay, won his title by valiant service in the Confederate army. He married Arabella Maccoun, daughter of James Maccoun, of the McAfee Company, first settlers of Mercer county, Kentucky.

The father of our subject, Samuel Clay, Jr., was a native of Bourbon county, Kentucky, and married Mary, daughter of the late Captain William S. Rogers, of the Confederate army. The latter was a grandson of Nathaniel Rogers, who represented Bourbon county in the constitutional convention of 1798, and great-grandson of Captain Charles Cobbs and Ensign Josiah Payne, of the Revolutionary war, the latter being one of the victims of the "Jersey." Ensign Josiah was a son of Lieutenant Josiah Payne, of the Revolution, who was a member of the general assembly of Virginia in 1768, from Goochland county. Thus we see the ancestors of William Rogers Clay have exerted a marked influence in shaping the destiny of several states, besides giving direct aid.

His father, a man of broad and liberal culture, believing education the most important factor for life work, provided his son with excellent privileges in this direction. W. Rogers Clay was carefully educated in public and private schools and graduated at the Kentucky University, at Lexington, in 1885. His choice of a life work was the legal profession, and as a preparation for the practice of law he pursued a course in the law department of the Georgetown University, in the District of Columbia, where he was graduated in 1888, receiving the degree of Master of Laws in 1889. From 1887 to 1890 he was the private secretary of Hon. James Birnie Beck, United States senator from Kentucky, and this position afforded him unusual opportunities to study the laws of the country and to familiarize himself with the style of oratory of its representative public men.

Resigning his position in 1890, Mr. Clay entered upon the practice of law in Lexington and has won success in his chosen field of endeavor. He has also for four years past served most acceptably as superintend-

M. F. Durham

ent of the city schools of Lexington, and his clearly conceived ideas of the educational requirements of the time and the executive ability which has enabled him to put his views in practice, have made the schools of the city among the best of the entire south.

Mr. Clay is a man of superior ability, of broad, general information and of sound judgment. He is well informed on all the various departments of law, and his recognized ability as an advocate has won him a large and lucrative practice. Extensive business interests are intrusted to his care, and his known reliability and trustworthiness have secured to him the position of counsel to large financial institutions having funds to invest. He is attorney for the Blue Grass Building & Loan Association, the Northwestern Mutual Life Insurance Company, of Milwaukee, Wisconsin, and other large corporations. He has given special attention to real-estate law and land titles, and is a recognized authority on matters pertaining to this branch of his profession. Mr. Clay is an orator of power. Logical and convincing in his speech, he is at the same time entertaining and instructive, and his ready flow of language is accompanied by a musical, sonorous voice that he has perfectly under control. His broad knowledge touching all questions of general interest makes his services as a speaker on public occasions in frequent demand.

Socially, Mr. Clay is connected with the Odd Fellows society, being a valued member of Merrick Lodge, No. 31, of Lexington, and also a Knight of the Ancient Essenic Order. He is a member of the Christian church and active in all good work looking to the advancement of his fellows. The high reputation which he has won in educational work and in the legal profession adds new luster to the honored family name that he bears. With probably the greater part of life's journey yet before him, he is undoubtedly destined to achieve still further success.

MILTON JAMISON DURHAM, of Lexington, in the legislative halls of the nation and in the walks of professional and commercial life has gained for himself a name that commands the respect of all.

Mr. Durham was born on the 16th of May, 1824, in Mercer, now Boyle county, Kentucky. His father, Benjamin Durham, was a native of Mecklenburg county, Virginia, and with his parents came to Kentucky about 1784, the family being among the earliest to settle in the wilderness in this state. He became a farmer, following that pursuit for many years. He married Margaret Robinson, daughter of Jacob R. Robinson, who also came with his family at an early day and experienced the hardships of life on the frontier.

The subject of this sketch acquired his education in the country schools until eighteen years of age, when he entered Asbury University, now De Pauw University, at Greencastle, Indiana, and was graduated there in the class of 1844, with the degree of Bachelor of Arts, and the honors of his class. Later the same institution conferred upon him the degree of Master of Arts. He taught school and studied law at Perryville, Kentucky, for four years, and in 1849 entered the law school at Louisville, where he was graduated in 1850 with the degree of Bachelor of Laws. In May of the same year he began the practice of his chosen profession in Danville, Kentucky, following

it with great success. In 1861 he was appointed by Governor Beriah Magoffin, judge of the circuit court for the Danville district, to succeed Hon. Thomas E. Bramlette. When he had completed his term he declined a re-election and returned to his practice, which he followed assiduously until 1872, when his character for ability, honesty and industry and his devotion to the cause of the people commended him to the electors of the eighth congressional district, who elected him to the forty-third congress in that year and re-elected him to the forty-fourth and forty-fifty congresses.

Mr. Durham was a prominent and useful member of the committees on banking and currency, coinage, weights and measures, appropriations and expenditures in the department of justice, and was chairman of the committee on the revision of laws. He made for himself a national reputation while in the house of representatives, his sterling integrity and rare business ability being recognized by both his political associates and opponents. He returned to his practice after the close of his congressional career, but in 1885 was called to high office by President Grover Cleveland, who, in recognition of his well-earned reputation for legal acumen, business methods, unimpeachable honesty and high character, selected him as first comptroller of the United States treasury, a position of great responsibility and second in importance to that of the chief executive alone, for through the hands of this official, and upon his approval only, can any payments of money be made. The arduous duties of this office were satisfactorily discharged by Mr. Durham for four years and two months, when he was relieved by the appointment of his successor by President Harrison. In 1890 he removed to Lexington, Kentucky, and assumed the management of the Central Bank of Lexington. His grand physique is still unimpaired, but the failure of his voice through a bronchial affliction compelled him to withdraw from his profession.

Mr. Durham has always been a consistent Democrat, active in the interest of his party and sustaining it in its advancement by all proper methods. He has uniformly declined all local offices, though many have been tendered him, yet gives his influence to the selection of the most capable men for the positions. He was chairman of the Democratic county committee in Boyle county, Kentucky, for many years, and has been a prominent factor in the political history of the state. He has secured, retained and merited the confidence and respect of all with whom he has been associated, being upright and fair in all his business relations, prompt in meeting all his engagements, diligent in all matters entrusted to his care. He has a clear, judicial mind, a good command of language and an easy delivery, and his courtesy to those who have had business relations with him makes it a pleasure to meet him again.

Judge Durham was married to Miss Margaret J. Mitchell, daughter of Judge Mitchell, of Boyle county, the wedding taking place in June, 1850. The lady died in October, 1879, leaving three sons and a daughter: Benjamin Durham, a merchant of Danville; James W., a lawyer of Memphis, Tennessee; Ora B., wife of Albert Morris, of Louisville, Kentucky; and Robert M., expert in the department of labor in Washington, District of Columbia. The eldest son, Louis Durham, died in Cincinnati, Ohio, in 1887, while in the government service. In June, 1886, the Judge married Mrs. Margaret L.

Carter, widow of Colonel James L. Carter, of the United States Army, and a daughter of Dr. Samuel Letcher, of Fayette county, and granddaughter of the Hon. George Robertson, for many years chief justice of the court of appeals of Kentucky. The Judge has lived happily with both his wives, who have aided him greatly in his long, successful life.

Judge Durham has always been a consistent advocate of temperance, and never took a drink or treated a voter for the purpose of influencing him in any of his campaigns for congress. He maintains that such methods are wholly unnecessary to success, and his own career proves the truth of this. He is also a member of the Methodist Episcopal church, south. Of this denomination his grandfather, Rev. John Durham, was one of the founders, establishing the first society west of the Alleghany mountains; and in commemoration of this event Judge Durham has placed a tablet in the Methodist church at Danville. He has filled the office of grand sire of the sovereign grand lodge of the United States and Canada of the Independent Order of Odd Fellows, and is a member of Central Lodge, I. O. O. F., No. 8, at Danville.

WILLIAM PRESTON, of Lexington, was one of the most gifted men that ever graced the Kentucky bar during the existence of the state. His talents were of an exceptionally superior order; and had not the possession of wealth obviated the necessity of practicing his profession he would have undoubtedly risen to heights attained by few members of the calling, although Kentucky has produced some of the most eminent jurists of the nation. In his early manhood he studied law, and such was his love of the science that throughout his life he gleaned the most thorough enjoyment from the investigation of nice legal distinctions. If he became interested in a question he would pursue its analysis for days and nights with unremitting assiduity. Perhaps no man in Kentucky was better informed on common English law, and especially that branch relating to real estate. His masterful handling of the points in a case indicated his thorough familiarity with the law applicable to them, and his analytical power and keen discrimination were rarely equaled. It seems almost unfortunate that a sterner necessity did not direct his abilities into more active channels, so that the student might have been merged into the man of affairs and his talents further developed by exercise in the fields of legal practice. He was a forceful and graceful speaker, and his addresses often rose to the heights of most brilliant oratory. He possessed a remarkably retentive memory, and his mind was stored with the richest gems of thought. His researches into the realms of literature were boundless, and he possessed the strongest love for the Latin classics, which to him were an inexhaustible source of pleasure up to the time of his death.

In his varied experiences in life Mr. Preston became possessed of a large fund of reminiscence, anecdote and interesting information, which enriched his conversation and was brought forth with a spontaneous and telling effect, charming all who heard him and making him a delightful companion. He was naturally of a social disposition, and could readily adapt himself to any company.

There was much that was inspiring in the life of General Preston. He would

never hesitate to sacrifice personal interests to a principle in which he believed. He represented his district in congress, elected on the Whig ticket, but when his party espoused the Know-nothing principles he immediately joined the ranks of the Democracy, although he well knew that such action would cause his defeat for congress at the impending election, and might cause him to lose his life and property, threats having been made against both because of his bold and courageous stand in the denunciation of the methods of the Know-nothing party. Of fine form and handsome features, he was a man whose physical development vied with his mental powers, while his consideration for all and his broad sympathy formed a character whose beauty was a source of inspiration to others.

The salient points in the life of General Preston are briefly given as follows: He was born October 16, 1816, near Louisville, Kentucky. His great-grandfather was John Preston, who, with James Patton and Alexander Breckinridge, received a large grant of land in Virginia, and settled near Staunton, Virginia, about 1739. His father was Major William Preston, of the United States Army, and his mother was Caroline (Hancock) Preston, daughter of Colonel George Hancock, of Botetourt county, Virginia, an officer of the Revolution and a member of congress. General Preston received a classical education in St. Joseph's College, of Bardstown, Kentucky, continued his studies in New Haven, Connecticut, and was graduated in the law school at Harvard in 1838. He was admitted to the bar in Louisville; married Margaret Howard Wickliffe, daughter of Robert Wickliffe, of Lexington, in 1840; served as lieutenant-colonel in the Fourth Kentucky Infantry in the war with Mexico in 1847; was elected one of the three members from Jefferson county in the convention which framed the Kentucky constitution of 1849; took an active part in the debates of that body; represented Jefferson county in the lower house of the state legislature in 1850, and in the senate in 1851–1853; was elector for the state at large in 1852; elected to congress and served from 1853 to 1857; appointed envoy extraordinary and minister plenipotentiary to Spain by President Buchanan in 1858, but was recalled at his own request in 1861; entered an energetic protest against the act of Spain in seizing, in violation of the Monroe doctrine, the bay of Samana, with a view of reestablishing her monarchy over San Domingo,—for which, and for his entire fidelity to duty, he received the special thanks of William H. Seward, then United States secretary of state.

He returned to the United States shortly after the first battle of Manassas, August, 1861, and became one of the leaders of the Confederate movement in Kentucky. Joining the army he served until the battle of Shiloh upon the staff of General Albert Sidney Johnston, who fell and expired in his arms in the instant of a victorious assault upon the enemy. He participated in many important battles and made for himself a military record which for bravery and loyalty to principles was unexcelled in either army. He was commissioned major-general. After his return to Kentucky his time was given to the management of his property interests and the pursuit of those studies in which he took such deep delight, remaining in retirement with the exception of a brief service in the legislature in 1869, and when called by his party to represent them in national conventions. He was a delegate, in 1868,

to the Democratic national convention in New York and again, in 1880, to the convention at Cincinnati, which nominated General Hancock. In both of these he took a prominent part. He died at Lexington, Kentucky, September 27, 1887, beloved by his friends and honored of all who knew him.

ROBERT AUGUSTINE THORNTON, of Lexington, was born in Rappahannock county, Virginia. His father, Alfred A. Thornton, was a planter of the Old Dominion, and was descended from Augustine Washington, a brother of George Washington. The Thornton family was founded in America soon after the establishment of the colony of Virginia, Francis Thornton, a native of England, crossing the Atlantic in 1642. He located at the head of the tidewater of Rappahannock near where the city of Fredericksburg now stands, receiving a grant of crown land from the king. The mother of our subject was Mrs. Delia S. (Forbes) Thornton, a daughter of John Murray Forbes, of Virginia.

Robert A. Thornton pursued a preparatory college course in his native county and then entered the University of Virginia, where he pursued his studies until 1861. Mr. Thornton put aside his textbooks and all personal considerations to join the Confederate army as a private, in northern Virginia; later he served as a corporal with Stuart's horse artillery. Subsequently he was commissioned first lieutenant and assigned to ordnance duty. He participated in a number of battles in Virginia and served until the close of the war.

Mr. Thornton prepared for the bar in the Law College of Cincinnati, Ohio, was admitted to practice in the courts of Kentucky and located in Lexington, beginning his professional career in the office of James B. Beck, later member of congress and United States senator, continuing in his office until Mr. Beck was elected to congress. In 1870 Mr. Thornton formed a partnership with John C. Breckinridge, and the relationship was continued until the ex-vice-president's death in 1875, when Mr. Thornton became the partner of James B. Beck, with whom he was associated in active and successful practice until Mr. Beck's death in 1890. His practice has been general in character, embracing every department of litigation in the courts of Fayette county and the court of appeals, also in the United States courts. He has devoted the greater part of his time and attention to the practice of civil law, and handles with masterful skill the intricate questions involved in this branch of jurisprudence. He is now counsel at Lexington for the Louisville & Nashville Railroad Company, the Cincinnati, New Orleans & Texas Pacific Railroad Company, the Southern Railroad Company and the Second National bank.

Mr. Thornton married Miss Caroline H. Preston, a daughter of General William Preston, the wedding being celebrated on the 1st of May, 1870. Their children are William Preston, Margaret Howard and Caroline Preston. Though the life of Mr. Thornton has been one rather of modest reserve than of ambitious self-seeking, he has shown himself the peer of the brightest men of the Kentucky bar, possessing rich intellectual gifts, strong mentality and keen analytical power.

JEREMIAH ROGERS MORTON, of Lexington, was born in Clark county, Kentucky, February 10, 1842, a son of

John and Ann E. (Rogers) Morton. His father was a minister of the Christian church. His paternal ancestors, the Mortons and Tinsleys, came from Prince Edward county, Virginia, and his maternal ancestors, the Rogerses and Clarks, from Caroline and Bedford counties, in the same state. The mother of Judge Morton died during his infancy and his home was then with his maternal grandmother until seven years of age, when he returned to the home of his father, who had in the meantime married again.

It was the earnest desire of the latter that his son should have a collegiate education under the masterly training of Alexander Campbell, the president of Bethany College, Virginia. The elementary education of Judge Morton was obtained in the common schools, and at the age of eighteen he entered Morrison Academy, under Professors Drake and Bowles. In September, 1861, he taught school at Haydon's Corner, in Clark county, with the expectation of soon beginning his collegiate course; but the Civil war changed all his plans. He enlisted in the Confederate army on the 1st of September, 1862, as a member of Company C, Duke's regiment, in Morgan's brigade. He was with Morgan's command in Ohio, where he was captured and taken to Camp Douglas at Chicago; but he soon succeeded in making his escape, and in 1864 rejoined his command. Again he was taken prisoner by the forces under General Stoneman, and sent to Camp Chase. Not long afterward he was exchanged, joined Duke's brigade and was with Jefferson Davis on his retreat and until the army disbanded.

On the close of the war Judge Morton took up the study of law and was graduated in the law school of the Kentucky University, where he was instructed by such eminent jurists and law educators as Madison C. Johnson, James O. Harrison, William C. Goodloe and John B. Huston. Immediately after his graduation he began practice.

In 1868 he was elected by the Democratic party city attorney of Lexington, and in 1870 was the popular choice for county attorney. When his term in that office had expired he entered into partnership with Watts Parker for the practice of law and continued in that relation until August, 1883, when he was elected to the bench of the circuit court of the tenth judicial district, by his party. In 1886 he was re-elected and continued in that office until 1893, when he once more took his place as a member of the Lexington bar. His former partner, Watts Parker, was his successor on the circuit-court bench. Judge Morton and G. W. Darnall are now partners in the practice of the law, under the firm name of Morton & Darnall.

On the 19th day of November, 1879, Judge Morton was united in marriage with Miss Mary Cecil Gratz, eldest daughter of Howard H. and Minerva Gratz, and they have two children.

GEORGE WASHINGTON DARNALL, a member of the law firm of Morton & Darnall, of Lexington, was born in Bourbon county, Kentucky, November 26, 1844. His father, Elias Darnall, a native of Maryland, removed to Kentucky about 1800, and became a leading planter of Bourbon county. His ancestors came with Lord Baltimore to America in 1632 and located in Arundel county, Maryland. His wife, Mrs. Harriet Darnall, was a daughter of Joseph Rogers, of Fayette county, Kentucky, whose family

removed from Virginia in 1782 and settled on a plantation near Bryant's Station, a few miles from Lexington.

He acquired his elementary education in the schools of his native county, and later spent three years as a student in Bethany College, of Bethany, West Virginia, where he remained until 1861, when he laid aside his text-books and volunteered in the Confederate service. He was with the Twenty-seventh Virginia Infantry in the Army of Northern Virginia, and participated in the first battle of Bull Run, the engagement at Chancellorsville and the ever memorable battle of Gettysburg. At the last named he was captured and incarcerated at Camp Chase, Old Capital, Maryland, and Fortress Monroe. With the close of the war, in 1865, he returned to Bethany, West Virginia.

Soon afterward Mr. Darnall took up his residence in Lexington, Kentucky, entering upon the study of law in the law department of the Kentucky University, and was graduated in 1867. In June of that year he was admitted to the bar and began practice in Lexington, where he has remained uninterruptedly with the exception of two years, from 1893 to 1895, which were passed in Tacoma, Washington. At different times he has been associated in business with William B. Kinkead, George Black, J. D. Hunt, and on his return to Lexington entered into partnership with Judge J. R. Morton, a relationship that has since been continued.

Mr. Darnall has ever given his support and influence to the Democracy, but has never sought or desired political preferment. He is a member of the law faculty of the Kentucky University, lecturing on law in its relation to real and personal property, and by the Lexington bar is regarded as one of its best-informed members. His marked ability, his conscientious devotion to the interests of his clients, his ready and accurate application of the principles of law, have secured to him a large *clientele*.

In 1869 Mr. Darnall married Miss Margaret Kinkead, a daughter of William B. Kinkead. They have four living children—Elizabeth, Margaret, Harriet and Shelby,—the last-named son being in honor of Isaac Shelby, first governor of Kentucky, to whom Mrs. Darnall was related on the maternal side.

JAMES HENRY BEAUCHAMP, of Lexington, was born in Taylorsville, Kentucky, on the 25th of January, 1842. His French ancestors—for the Beauchamp family originated in France—came to America in the early part of the seventeenth century and established a home in Maryland, where lived their descendants for many generations. His father, Dr. Alfred S. Beauchamp, was born in Nelson county, Kentucky, in 1813, and for many years was a successful medical practitioner. He married Miss Emily J. Brown, who was born in Spencer county, Kentucky, in 1821, a daughter of James Huston Brown, whose ancestors were of Pennsylvania and who was a representative of one of the oldest and most distinguished families of that state of English lineage.

James Henry Beauchamp was educated in seminaries in Taylorsville and spent a portion of his boyhood in Union county, Kentucky. When the country became involved in civil war he entered the Confederate army as a member of the Fourth Kentucky Independent Rangers, under command

of Colonel Adam Johnson. Enlisting in August, 1862, he served until captured in Spencer county, Kentucky, while convalescing from an attack of typhoid fever. In 1863 he was paroled and did not again enter the service. During his military career he participated in eight or more minor engagements, but no pitched battles.

Returning to his home in Taylorsville, Mr. Beauchamp began the study of the sciences and higher mathematics under the preceptorage of Professor Buchanan, a graduate of West Point Military Academy, and later studied law in Taylorsville under the direction of Joseph B. Cox. Passing an examination before Judge P. B. Muir, of Louisville, and John E. Newman, of Bardstown, he was admitted to the bar and began practice in his native town in 1867. Ill health forced him to abandon his profession for a time, but in 1870 he resumed law practice in Taylorsville, where he remained until 1880, when he sought a broader and more varied field of usefulness in Lexington. At different times he has been associated in a partnership with Judge James H. Mulligan and John R. Allen, and since 1892 has been the senior member of the well-known law firm of Beauchamp & Walton, his partner being Judge Mat Walton. He has served as counsel in many of the most important cases that have been tried in the various courts, but his practice has been mostly in civil law, although he is thoroughly versed in the numerous branches of jurisprudence. He was one of the attorneys in the noted Stokes will case tried in Spencer circuit court, and in the Gratz will case, which was tried in the Fayette circuit court, and appeared for the prosecution or defense in the trial of many important commonwealth cases. He served as county attorney in Spencer county and has temporarily filled the office of commonwealth attorney in Fayette county, where he has been solicited to become the regular candidate for the office; but this he has steadily refused to do. He is a speaker of force, and his eloquence strongly moves his hearers, while his clear reasoning and logical deductions appeal to their mental discernment.

Mr. Beauchamp is very happy in his domestic relations. His home is presided over by one of Lexington's most cultured and intelligent ladies, who before her marriage was Miss Fannie Estill, daughter of James W. Estill, of Madison county, Kentucky, and a representative of one of the old families of this state that is descended from Virginian ancestry. Mrs. Beauchamp is one of the leaders in all benevolent and philanthropic work in Lexington, and is state president of the Kentucky Woman's Christian Temperance Union, also assistant recording secretary of the national organization of that body. She was active in the work of organizing the Lexington Club, the Sorosis, and Bible class and teachers' meetings of the First Presbyterian church, in which both Mr. and Mrs. Beauchamp hold membership, he having served as one of its elders for twelve years. He has long been a member of the Masonic fraternity, which has the all-embracing creed of the Fatherhood of God and the brotherhood of man. In politics he was formerly a Democrat, but is now a Prohibitionist. His character is irreproachable. If his word can be secured, it is as good as any bond that was ever solemnized by signature and seal; if his friendship can be won—and worth can always win it—it is as loyal as truth is to itself. It is indeed doubtful whether he ever weighed an act of his life, public or private, in the

scale of policy. If it commends itself to his judgment and his conscience the act is performed, and the consequences are left to take care of themselves. It is the strength of character and the high standard of thought and action which such a course involves that commends James H. Beauchamp to the public confidence.

MATHEW WALTON, of Lexington, was born in Mason county, Kentucky, February 16, 1852, a son of John Hervey and Susan Isabella (Frazee) Walton. His father was a native of Boone county, Kentucky, descended from the Walton family of Virginia, prominent in that state from early colonial days. His mother, a native of Mason county, Kentucky, was a granddaughter of Samuel Frazee, who, in company with General Simon Kenton and others, made one of the first settlements in the state.

Mathew Walton acquired his education in the common schools of Mason county and at Kentucky University, Lexington, where he completed the English and Latin courses, and graduated in the class of 1873. He then entered the office of the circuit clerk at Lancaster, and while there employed formed the determination to study and practice law as his life's work. To this end he placed himself under the able guidance of Judge M. H. Owsley and B. M. Burdett, of Lancaster, and was admitted to the bar at that place in 1874. Immediately thereafter he opened an office there and successfully practiced his profession until 1881, when he resigned the office of master commissioner of the circuit court, which he had held for three years and removed to Lexington.

In August, 1885, he was elected judge of the recorder's court of Lexington, Kentucky, to fill an unexpired term, and afterward re-elected for two full terms, without opposition, serving until 1890, when he declined to be again a candidate for the office, and re-entered upon the practice of his profession. He has since been actively engaged in many important cases. He was one of the attorneys for the Louisville Southern Railroad Company during the period of its construction, and represents as attorney the Phoenix National Bank, of Lexington, of which he is also a director; the Ashland Building & Savings Association; the Security Trust and Safety Vault Company, and other important interests.

He is quick to master all the intricacies of a case and grasps its details, losing sight of none of the essential points upon which a decision may depend. He is a ready speaker, fluent, forcible, earnest, logical and convincing.

Mr. Walton married Carrie F. Farra, a daughter of B. F. Farra, of Jessamine county, an extensive and successful farmer and one of the pioneers of that county. They have one child, Clara Belle. Mr. and Mrs. Walton are prominent and active members of the Central Christian church, of which he is a deacon. Theirs is that practical Christianity which extends a helping hand to the poor and needy and which is efficient in the distribution of charity in a way that will aid the recipient and yet not destroy self-respect and independence.

Mr. Walton has been for a long time president of the Lexington Charity Organization, specially charged with the care of orphaned and abandoned children. For eight years he has served the state of Kentucky as one of the commissioners for the

Eastern Kentucky Asylum for the Insane, and for two terms he has been president of the board. He is an earnest, conscientious worker in behalf of any cause which his judgment approves, and always finds time for the discharge of his public duties in the interests of the poor inmates of the state's great insane asylum.

Socially, Mr. Walton is connected with Merrick Lodge, Independent Order of Odd Fellows. In politics he has always been an active Democrat, taking part in every campaign as an organizer and speaker. He has frequently been a delegate to state conventions, and in 1880 represented the eighth congressional district in the national convention.

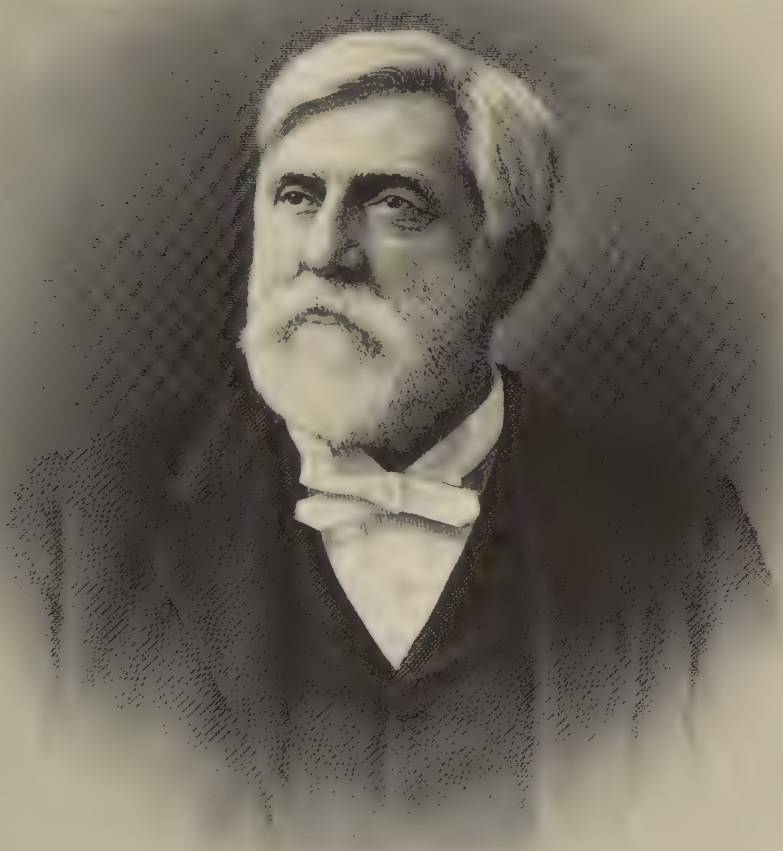
JOHN BRECKINRIDGE.— The first emigrant to America of the name of Breckinridge was Alexander, a native of Ulster, Ireland, but descended from Scotch ancestry from Ayrshire, the name being probably derived from the location of the home of the first one to bear it, on a ridge covered with fern or bracken, as Alexander of the "bracken ridge," which in course of usage assumed the form of a surname, Breckinridge.

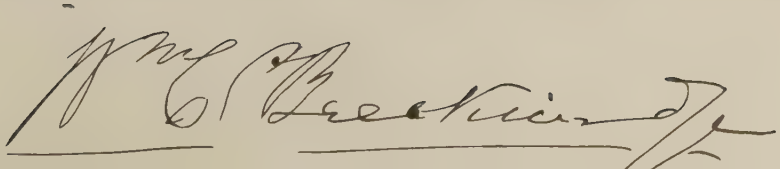
This Alexander, who emigrated to America about 1739, was a man of education and high standing. His wife was the sister of John Preston, whom he accompanied and with whom he was associated in the colonization of a grant of one hundred and fifty thousand acres of land, granted by the crown to Colonel James Patton, of the British army. Colonel James Patton came to America shortly after John Preston and Alexander Breckinridge, and all settled in Virginia, near the present site of Staunton. John Preston's wife was a sister of Colonel James Patton. These three families have mingled and intermarried for generations, their progeny having emigrated into almost every state of the American Union. A singular fact, not generally known, but which is well anthenticated, is that no congress of the United States has ever assembled without having among its members one or more of the descendants of some one of those three founders of families. They have given three vice-presidential candidates and one vice-president to the nation, while one, John C. Breckinridge, was the unanimous choice of his section for the highest office in the land.

It is not our purpose to follow any other than the Breckinridge branch in this article, and that only so far as the members of the family have been identified with the legal profession and governmental history of Kentucky.

The first to come to Kentucky from their Virginia home were Robert and Alexander, brothers, sons of Robert and his first wife, *nee* Miss Pogue, grandsons of the first Alexander, who came over in 1730. They had been officers in the war for American independence and were charter members of the "Order of Cincinnati;" had both served in the Indian wars, and were men of standing, influence and culture. They settled in the neighborhood of Louisville in 1783.

Robert Breckinridge represented the district of Kentucky in the Virginia convention which adopted the federal constitution and was a member of the convention which framed the first constitution of Kentucky; was a member, and elected speaker, of the first house of representatives of Kentucky in 1792 and served in that capacity from 1792 to 1795. He was a man of great individu-





ality and force of character, and was a guiding spirit in the early days of the state's history, leaving his impress upon its laws. He was a bachelor and died in Louisville.

Alexander Breckinridge, the brother of Robert, was a man of a retiring nature and took no active part in the political affairs of the state. He had one son, James D. Breckinridge, who became a prominent lawyer at Louisville, and represented that city and district in the state legislature in 1809, 1810 and 1811, and in congress from 1821 to 1823. He was a man of influence, wealth and refinement. He died in 1849, leaving his widow, who survived him until 1896. Two grandchildren, daughters of Shakespeare Caldwell, and Eliza Breckinridge, daughter of James D. Breckinridge, are women of great wealth and have given largely to charity and to the founding of the Catholic University, at Washington, D. C.

The ancestor of the later generation of Breckinridges in the state was John Breckinridge, who was born December 2, 1760, on the farm of his grandfather, John Preston, on the site of Staunton, Virginia, and was the son of Robert Breckinridge and his second wife, *nee* Lettice Preston, being a half-brother of Robert and Alexander Breckinridge, who came to Jefferson county, Kentucky, in 1783. The father, Robert, died in Botetourt county, Virginia, in 1772, and, the war of independence following, left his family in straitened financial condition. John had but limited advantages of education until, at the age of nineteen, he entered William and Mary College, of Virginia. While studying there he was elected to represent his county in the Virginia house of burgesses without his knowledge, and, being under age, was three times elected before being permitted to take his seat. From that time throughout his life he was almost constantly in public office.

He studied law and was admitted to the bar in Virginia. In 1785 he married Mary Hopkins Cabell, daughter of Colonel Joseph Cabell, a Revolutionary officer, and in 1792, on the urgent solicitation of his half-brothers, Robert and Alexander, as well as on the advice of his friend, Thomas Jefferson, he visited Kentucky, where he purchased and located a large tract of land in Fayette county, to which he gave the name of Cabell's Dale, in honor of his wife. He became a permanent resident of Kentucky in the spring of 1793, having declined a seat in congress, to which he had been elected from the Albemarle district of Virginia, in 1792. He had been a prominent member of the Virginia house of burgesses for years prior thereto, an intimate friend and associate of John J. Marshall, chief justice of the United States supreme court, and Thomas Jefferson. He had been engaged in active legal practice about seven years in Albemarle county, Virginia, before removing to Kentucky. The year following his advent in the state he was prominently mentioned for United States senator. He was a professor and instructor in the law school of Transylvania University.

On the 19th of December, 1793, he was appointed by Governor Isaac Shelby attorney general of the state, and served as such until November 30, 1797, when he resigned and entered the house of representatives of Kentucky, and was re-elected in 1798 and made speaker in 1799–1801; was elected United States senator for Kentucky in 1801, and in 1805 resigned his seat in the United States senate to become the attorney-general of the United States in President Thomas Jefferson's second admin-

istration. He died while holding this last office, in the prime of life, at his home at Cabell's Dale, near Lexington, Kentucky, December 14, 1806, lamented by the nation.

Our space is too brief to do more than mention the chief points of his career and the salient features of his character; from the date of his entry into Kentucky until his death he was prominently connected with the government and the formulating and administration of the law. His was the hand that shaped the second constitution of the state, adopted in convention in 1799, which for fifty years remained the supreme law of the state. The question of negro slavery was settled in that constitution, upon moderate grounds; the civil and criminal codes were systematized, and capital punishment was abolished, except for murder and treason; the land laws were simplified, and the law of descents, the penitentiary system and other important and kindred subjects were thoroughly revised under his molding hand. The free navigation of the Mississippi river and the purchase of Louisiana were forced upon the general government by the west, mainly by Kentucky, and in the formulation of these measures the mind of John Breckinridge was a momentous factor.

He was an ardent personal and political friend of Thomas Jefferson, and one of the leading men of the old Democracy. He was the author of the historic "Resolutions of 1798," adopted by the state legislature, being a declaration of principles leveled at the alien and sedition laws passed by congress and memorable both for the discord which produced them and for the subsequent and final efforts at their enforcement, misdirected in the gigantic civil war which convulsed the nation in 1860–5.

He had a profound knowledge of his profession, was gifted as a public speaker, and was laborious and exact in the performance of his professional duties and engagements. As a statesman no man of his time occupied a more commanding position or more largely controlled the great questions of the day, and none enjoyed more popularity or maintained a more spotless reputation.

In stature John Breckinridge was above middle size, slender but muscular, and of noble appearance; his voice was melodious and impressive; his eyes were large, clear gray in color; hair brown, inclined to red; in manner he was grave, but singularly courteous and gentle, begetting a trust, confidence and love with all who knew him. He left four sons, who were known as "the Breckinridge brothers."

Joseph Cabell Breckinridge, the eldest, was a soldier in the war of 1812, a representative in the Kentucky legislature from Fayette county, and speaker of the lower house for 1817–18. He was secretary of state in 1820, under Governor John Adair, and died September 1, 1823, before reaching his thirty-fifth year. He was born in Albemarle county, Virginia, July 14, 1788, graduated at Princeton College in 1810, was a major on the staff of General Samuel Hopkins in the war of 1812, a lawyer at the Lexington bar, and occupied a most enviable position as a public speaker; he had steadily grown in the affections and estimation of the people, and his noble character and genuine talent reflected honor upon his name and on his state. He was married to Mary Clay Smith, the daughter of Rev. Samuel Stanhope Smith, president of Princeton College. She was the granddaughter of John Witherspoon and a lineal

descendant of John Knox. The family were reared in the Presbyterian church, of which he was one of the founders in Lexington.

His only son, Gen. John Cabell Breckinridge, was born January 21, 1821, near Lexington; was graduated at Center College, Danville, in 1839; attended Transylvania Law School and adopted the profession of law; practiced for a while at Burlington, Iowa, but returned to Lexington; was major of the Third Regiment of Kentucky Volunteers in the Mexican war, 1847–8, and represented Fayette county in the legislature of Kentucky in 1849. This was his introduction into political life. He rose rapidly. In 1851 he was elected to the federal congress from Ashland (Henry Clay's) district, after an exciting contest. The district was Whig, and General Leslie Combs, the devoted friend of Henry Clay, was his opponent. Breckinridge's chances seemed hopeless; but his talent, his winning manners, together with his vigorous canvass, overcame all obstacles, and he was triumphantly elected. He was re-elected in 1853, defeating ex-Governor Robert P. Letcher, whom the opposition had put forward as their strongest man. The struggle in this canvass was even more protracted and violent than in the first race, but with precisely the same result. He was tendered the mission to Spain by President Pierce, which he declined, and closed his service in the lower house of congress with the session of 1855. In 1856 he was elected vice-president of the United States, and before the expiration of his term in 1860 was elected by the legislature of this state United States senator for Kentucky for the term beginning March 4, 1861.

Mr. Breckinridge had been the candidate of his party for the high office of the president of the United States, in the ever memorable contest for political supremacy preceding the Civil war. He was the representative of the southern Democracy, and the contest between him and the lamented Stephen A. Douglas for the nomination of the united Democracy, the conventions held at Charleston, South Carolina, and at Baltimore, Maryland, the heated campaign which followed and resulted in the election of Abrahan Lincoln, the first Republican president, and the momentous events that developed succeeding the inauguration of Mr. Lincoln March 4, 1861, are matters of familiar history.

Mr. Breckinridge was a central figure in the maelstrom of the political strife. His life is part of the history of the world. He followed the fortunes of the south, declining to serve in the senate, and was, by resolution of that body, expelled for treason. He was among the first to enter the military service of the Confederacy, and his personal influence carried thousands of Kentuckians into the southern army. His military career is the chronicle of the Confederate army. He achieved great success as an organizer and commander, and rose to the rank of major-general. He was actively engaged in the field until February 4, 1865, when he was appointed secretary of war in the cabinet of President Jefferson Davis, and held this office until the final collapse of the southern cause, in April, 1865. He made his way to the Florida coast, whence he escaped in a small boat and reached Cuba in safety. He visited Canada and Europe, and returned to his home at Lexington, Kentucky, a year or more afterward. Avoiding all political complications, he thenceforth devoted himself exclusively to his profession and to business engagements.

Like the great chieftain of the "lost cause," his course was singularly modest, retiring and prudent, deferential in a marked degree to that proscriptive policy of the party in power which deprived the nation, however unwisely, of the counsels of men of his stamp. He lived in perfect quiet so far as the political events of the country were concerned, declining to express an opinion on subjects in controversy. He had joined the cause of the Confederacy from a conscientious belief in the principles at issue, and because he was a firm adherent of the declaration of states' rights as formulated by his grandfather, John Breckinridge, in the "Resolutions of 1798." He accepted his defeat as the result of the bitter arbitrament of war and as a finality; his life had before it, in 1861, the brightest prospects ever opened to any man of his years; at the age of forty he had already held the second highest office in the land and was entitled to sit as a senator of the United States for his state, and sacrificed all to principle, to his belief in the honor and honesty and uprightness of the cause espoused by the people of the south. His conduct endeared him to his fellow-citizens of Kentucky, and he became their idol. Few men have lived who have had so strong a hold on the affections of future generations, or whose memory is more generally revered. His superb natural endowments, his energy, endurance and general bearing, placed him as a man far above his fellow men. His features were classical, his face radiant with intelligence, his voice had the silver clarion ring that men of Henry Clay's period remembered as one of the attractions of that statesman, and his courteous manner and kindly heart made him the friend of every one, the beloved leader of his people. A monument in bronze, erected by the state of Kentucky, stands opposite the court-house in the city of Lexington, on which is inscribed these words: "John Cabell Breckinridge. Erected by the commonwealth of Kentucky, A. D. 1887," and commemorates his life and person in a colossal image of the man in the act of addressing an assembly. He died at his home in Lexington, May 17, 1875.

Of his children one, John Witherspoon Breckinridge, moved to California, where he attained distinction at the bar, but died at an early age. Another has become prominent as a lawmaker, although not a lawyer,— Clifton Rodes Breckinridge, — was educated for the ministry, but forced, by the failure of his eyesight, to abandon any profession, entered upon a mercantile career in New Orleans and later in Arkansas, from which latter state he was sent as a representative to congress for six consecutive terms and in 1894 was appointed by President Cleveland as envoy extraordinary and minister plenipotentiary to Russia, where, in 1897, he is still retained by President McKinley, with whom he served in congress, and between them a strong friendship exists. The second and fourth sons of John Breckinridge became Presbyterian ministers, both distinguished in their profession. The fourth son, William Lewis Breckinridge, left no sons who became lawyers. The second son, John Breckinridge, Jr., had one son, Samuel W., who entered the legal profession and became an eminent practitioner and judge in St. Louis, Missouri.

The third son of John Breckinridge was Robert J. Breckinridge, L. B., M. A., D. D., LL. D., who became one of the most conspicuous figures in public life in Kentucky. He was born March 8, 1800, at Cabell's

Dale, and died December 27, 1871, in Danville. He pursued his education in this state under Professors Thompson, Wilson, Kean, O'Hara and Brock, all popular teachers at that day, and at the age of sixteen entered Princeton College, where he remained two years. He also spent one winter at Yale College, but was graduated in the fall of 1819 at Union College, Schenectady, New York, then under the presidency of the famous Dr. Samuel Nott.

After returning to Kentucky Dr. Breckinridge spent three years in the management of his own and his mother's farm and during that period also devoted much time to a wide course of reading. In 1824 he began the practice of law in Lexington, in partnership with Charlton Hunt. He espoused with great warmth the "Old Court" and "Anti-Relief" side in politics, and was elected to the lower house in the legislature in 1825–6–7–8. During the last session he was attacked with a severe illness, from which he never recovered, his subsequent life being full of physical weakness and pain, but, notwithstanding, he accomplished a work scarcely equaled by any other man in public life. In 1831 he was an independent candidate for the legislature, in advocacy of gradual emancipation and abolishment of Sunday mails, but withdrew before the close of the election.

Perhaps the greatest work of Dr. Breckinridge's life,—that which made him most conspicuous as one of the eminent men of the nation,—was in connection with the ministry. He joined the Presbyterian church, and in the spring of 1832 was licensed to preach. Going to the Princeton Theological Seminary, he pursued his studies there for a few months, and became the successor of his brother, Rev. John Breckinridge, as pastor of the Second Presbyterian church of Baltimore, Maryland. In 1831–2 he was a member of the general assemblies of the church and had become a prominent leader in what was known as the "old-school" wing of the church. He was the author of the "Act and Testimony," and under his leadership the assembly of 1837 passed the celebrated acts which settled the controversies for thirty years. During his pastorate in Baltimore he was prominently connected with all the public interests of the city. Soon after locating there he engaged in an exciting controversy with the Catholics and Universalists. In 1835 he was one of the founders of a monthly magazine, of which he soon became sole owner and editor, and which, under the name of "The Spirit of the Nineteenth Century," was published for nine years. Through his efforts the Bible was introduced into the public schools of Baltimore. He was also instrumental in defeating a bill designed to prevent free colored people from residing in Maryland, and in gratitude for his efforts the negroes of the state presented him with a gold snuff-box.

For thirteen years, in connection with his many outside interests, Dr. Breckinridge retained the pastorate of the church in Baltimore, with the exception of the year 1836, which he spent as a delegate from his general assembly to the Protestant churches of Europe. While in Glasgow, Scotland, he held a two-weeks debate on slavery with the famous George Thompson, and out of the famous debate sprang his notable letters to Dr. Wardlow on slavery. As a debater he never met his equal. For thirty years he was the acknowledged leader in every church court in which he sat and was as formidable before the people as on the floor of a deliberative body. He had

all the personal gifts of the genuine orator, and was undoubtedly the most eminent member of the Breckinridge family. In 1841 he was elected moderator of the general assembly of the Presbyterian church, and in 1845 became president of Jefferson College, of Cannonsburg, Pennsylvania, remaining, however, in that position only two years, his enfeebled constitution being unable to bear the severity of the climate. He resigned in 1847 to become pastor of the First Presbyterian church in Lexington, and in the same year was appointed by Governor Owsley superintendent of public instruction; was reappointed by Governor Crittenden, and in 1851 was elected to the position by the people of the state. He resigned both positions in 1853 to become professor of theology in the seminary in Danville, of which he was the chief founder.

Never for a moment did Mr. Breckinridge lessen his interest in public affairs, but gave to all questions concerning the welfare of state and nation the deepest consideration and most earnest thought, and the power of his influence was immeasurable. He delivered scores of sermons, speeches and lectures yearly and contributed constantly to secular and religious papers, participating freely in all the controversies of the day. He saw the evil of slavery and for years labored to advance the cause of freedom. In 1849 he was a candidate for the constitutional convention as an emancipationist, but, after one of the most spirited contests on record in the history of the state, was defeated. He wrote and spoke freely on all the issues that formed a part of the political annals, and his open letters to Dr. Wardlow in 1837, Charles Sumner and William A. Seward in 1856, and upon the American question in 1855, to General John C. Breckinridge in 1860, on the temperance question and upon the revision of the Bible in 1858, were extensively copied and read throughout the country.

In the Civil war he espoused the cause of the national government with great intensity, and with pen and voice exerted his utmost influence in support of Mr. Lincoln's administration, and published a magazine, called the Danville Review, as his special organ. He was a delegate to and temporary chairman of the Republican convention which met in Baltimore, in 1864, and there refused to permit the nomination of Andrew Johnson, as candidate for vice-president of the United States, to be made unanimous, on account of his distrust of him. His great moral and intellectual worth gave strength to the cause of the government, not only in his own state, but also abroad, and during the great conflict he rose to his greatest height as a writer, statesman and patriot. He was a man of indomitable will and unquestioned courage, profound and sincere in his convictions, of ardent, intense nature, a singularly quick, active intellect, quick impulses, and was a warm and generous friend, and probably not always a just enemy. He fought with all his power and forgave with absolute completeness when he professed to forgive. His only published books are, Travel in Europe and Knowledge of God Objectively Considered and Knowledge of God Subjectively Considered; but his various sermons, published essays, articles and letters would make many volumes. His information covered every department of knowledge, his memory was almost perfect and his capacity for labor, with an enfeebled body, was apparently without limit.

Hardly an enterprise or movement that

has promoted the material, intellectual or moral worth of Kentucky, does not bear the impress of the genius and wonderful character of Dr. Breckinridge, and to him is largely due the establishment and growth of the common-school system of education in Kentucky. He was one of the original stockholders and directors of the State Agricultural Society, and took an active interest in the formation and maintenance of every public enterprise. He delivered the oration at the laying of the corner-stone of the monument erected in memory and honor of Henry Clay, in Lexington. He opposed with great ability, but unsuccessfully, the loan of county aid for building railroads. He was also a successful farmer and breeder of thoroughbred cattle, and in 1856 received three prizes for agricultural essays. In 1828 he was the grand orator of the grand lodge of Masons, as his brother Joseph Cabell had been before him, and as his nephew, John C. Breckinridge, was afterward, nearly every member of the Breckinridge family having been connected with the Masonic order.

On the 11th of March, 1823, he was wedded with his cousin, Ann Sophonisba Preston, daughter of General Frank Preston, of Virginia, and granddaughter of General William Campbell. She died in 1844, and in 1847 he married Mrs. Virginia Shelby, daughter of Colonel Nathaniel Hart, of Woodford county, Kentucky, who died in 1859, and in 1868 he married Mrs. Margaret White, *nee* Faulkner, who survived him.

In his personal manner, habits and tastes Dr. Breckinridge was plain, simple, frugal and severe; but as a friend and host was indulgent and exceedingly attractive, having uncommon conversational powers and a free, unaffected hospitality, displaying himself to as great advantage among his friends as in his great contests before the people. Although his continued ill health through many years bent his once tall and graceful form, he maintained his great mental vigor to the last and displayed all the noble traits of his character.

Of the sons of Dr. Robert J. Breckinridge, two entered the legal profession, Robert J. Breckinridge, Jr., elsewhere noticed in this volume, and—

William Campbell Preston Breckinridge, who is probably the most widely known of the present generation of the family. Colonel Breckinridge was born near Baltimore, Maryland, on the 28th of August, 1837, and was liberally educated, being a graduate of Center College, of Danville, Kentucky, and of the Louisville Law School. The degree of LL. B. was conferred upon him and his career at the bar was begun under favorable circumstances. Thoroughly equipped with a comprehensive education and endowed by nature with superior mental ability, his advancement in his chosen profession was steady and rapid. His army service, however, interrupted his early career at the bar, for during the Civil war he espoused the cause of the south under the leadership of his illustrious cousin, John C. Breckinridge, and as a captain of General Morgan's cavalry command went forth to battle for the principles in which he firmly believed. He was a brave and fearless soldier, and rose to the rank of colonel of the Ninth Kentucky Cavalry, C. S. A.

For two years after his return home he edited the Lexington Observer and Reporter, and then again turned his attention to the law, in which field of endeavor he rapidly rose to distinction. His clientage soon be-

came extensive and the litigation with which he has been connected has been of a very important character. He was also chosen as one of the professors of law in the Kentucky University. His congressional record is a matter of history. For five successive terms he was elected to represent the Lexington district in the law-making body of the nation, and served from the forty-ninth to the fifty-third congress, 1885–1895 inclusive, being elected each time without serious opposition. He was recognized as one of the most gifted orators in the house of representatives, and his eloquence and masterful understanding of the issues discussed won him a national reputation. Since his retirement from office he has practiced law in Lexington, and his powerful analysis, his logical reasoning and his forceful presentation of a cause ranks him among the most able lawyers of the state.

Colonel Breckinridge has been associated with John T. Shelby in the practice since 1875, the firm being one of the oldest and best known in the state. They are retained in the most important litigation in their district, and in the trial of criminal charges involving the penalty of death Colonel Breckinridge's voice is often raised in behalf of mercy, and in defense of men so charged he has been exceptionally successful in securing acquittals; his addresses to a jury in such cases being models of oratory calculated to awaken every human instinct of the heart and appeal not only to the sense of right, but to those higher and nobler traits of the mind that find expression in the conviction that it is more divine to forgive than to punish.

In 1894 Colonel Breckinridge was not a candidate for the congressional election, having been defeated in the primary by W. C. Owens, of Georgetown. In 1896 he espoused the cause of that branch of the Democratic party represented in the Indianapolis convention and was one of the most prominent figures in that body of men gathered as the "exponents of good government and sound money," as opposed to the "Chicago platform" and the candidacy of William J. Bryan. He made an active canvass in behalf of the principles enunciated there, and was a factor in the success of the issue. He was defeated for re-election, although he received a vote in the seventh district, where he was a candidate of the "sound-money Democracy" and the Republican party combined, largely in excess of any previously given to him in any of his successful campaigns. He was a candidate not from choice, but from necessity, and was well content to remain in his home and at his practice rather than to again enter the arena of politics.

Colonel Breckinridge has been three times married. First, to Mrs. Lucretia Hart Clay, granddaughter of Henry Clay and daughter of Thomas Hart Clay. Secondly, to Miss Issa Desha, daughter of Dr. John R. Desha and granddaughter of Governor Joseph Desha. His present wife is his cousin, Mrs. Louise Scott Wing, daughter of Robert W. Scott and widow of Rumsay Wing, United States minister to Ecuador. Of his children, two have entered on the law as a profession, namely: Desha Breckinridge, born August 5, 1867, was educated in the law in his father's office and in the law department of the University of Columbia, Washington, admitted to the bar at Lexington in 1892, and is associated with his father; and Miss Sophonisba Preston Breckinridge, who was admitted to the bar in December, 1896, and is the only woman ever admitted at Lexington. Hav-

ing been also admitted to the bar of the court of appeals of Kentucky, she enjoys the distinction of being the only woman accorded that honor.

JOHN TODD SHELBY, of Lexington, whose name occupies a conspicuous place on the roll of Kentucky's eminent lawyers, during almost a quarter of a century's connection with the bar of the state has won and maintained a reputation for ability that has given him just pre-eminence among his professional brethren. In the law, as in every other walk of life, success is largely the outcome of resolute purpose and unfaltering industry,—qualities which are possessed in a large degree by Mr. Shelby.

He is descended from two of the honored families of Kentucky, his father being Thomas Hart Shelby, whose father also bore the same name and whose grandfather was Isaac Shelby, the first governor of the commonwealth. His mother was Frances Stuart Todd, a daughter of Dr. John Todd, who was a son of General Levi Todd, one of the conspicuous figures of the state's early history. Robert S. Todd, another of Levi Todd's sons, was the father of Mrs. Abraham Lincoln. Dr. John Todd emigrated to Illinois in 1817, and it was at Springfield, in that State, on January 25, 1851, while his mother was visiting her parents, that John T. Shelby was born. His maternal grandmother, Mrs. Dr. Todd, was a daughter of the Rev. John Blair Smith, D. D., one of the eminent Presbyterian divines of the last century, who was at one time president of Hampden-Sidney College, in Virginia, and later of Union College, in New York, and who died the pastor of the old Pine Street church in Philadelphia in 1799. Mr. Shelby's father was, at the time of his death in 1895, collector of United States internal revenue for the seventh district of Kentucky; and through the latter's maternal lines the subject of our sketch is closely allied with the Harts and Bullocks, and other well-known families of the state.

Mr. Shelby acquired his preliminary education principally in the schools of Fayette county and there prepared for college. He was graduated at Princeton College, New Jersey, in 1870, with the degree of Bachelor of Arts, receiving three years later from his *alma mater* the Master's degree. After his return home from college he read law under the preceptorship of the late Judge William B. Kinkead, of Fayette county, and was admitted to the bar in Lexington, March 2, 1872.

Immediately thereafter he entered upon practice; his connection with the bar of Kentucky has been most honorable. Since September 1, 1875, he has been associated in business with the Hon. W. C. P. Breckinridge, under the firm name of Breckinridge & Shelby, now one of the oldest and best known law firms in the state. They have been connected with much of the important litigation in central Kentucky, have a large and influential clientage, and make a specialty of railroad and corporation law. Mr. Shelby is one of the general counsel of the Chesapeake & Ohio Railroad Company, and the firm of Breckinridge & Shelby are district attorneys of the Louisville & Nashville Railroad Company.

Mr. Shelby is recognized as a painstaking, studious and well-balanced lawyer. As a speaker he is clear, logical and convincing, and the profession and the public both ac-

cord him a high rank among the members of the legal fraternity.

On the 7th of November, 1872, he was married to Miss Lizzie M. Craig, of St. Louis, Missouri, a descendant of the Brooking and Craig families, both pioneer settlers of Kentucky. They have three children living—Thomas Hart, John Craig and Christine—one son, Francis Todd, having died in infancy.

Mr. Shelby is a Democrat in politics, warmly advocating the party principles, although he is not an active politician. He has devoted himself assiduously to his profession and has not sought political office. He holds a membership and is vestryman in Christ church, the oldest Protestant Episcopal parish, and the mother of the church in Kentucky. As a man he is thoroughly conscientious, of undoubted integrity, affable and courteous in manner, and has a host of friends and few, if any, enemies.

JAMES O. HARRISON, an eminent lawyer and civilian, was born in Mt. Sterling, Kentucky, on the 11th of April, 1804, and died at his home in Lexington, Kentucky, in August, 1888, in the eighty-fifth year of his age. He was the third son of Captain Micajah Harrison, who was born in Louisa county, Virginia, and was a cousin of Benjamin Harrison, a signer of the Declaration of American Independence. Captain Harrison died in Mt. Sterling, Kentucky. He married Miss Mary Payne, who survived him many years.

James O. Harrison attended the local schools in Mt. Sterling until he had passed into his 'teens. Afterward, in the year 1819, he went to school to Hon. Silas W. Robbins, in Winchester, Kentucky. While at school in Winchester he lived in the family of Peter Flanagan, the father of Hon. James Flanagan, of Winchester, Kentucky, of which period of his life he has written thus: "I had a pleasant time there, chiefly because I had a pleasant boarding-house with Peter Flanagan and his wife, Ruth W. Flanagan, who were most excellent people and were warmly attached to me while they lived. I cannot forget them. Their children were all my friends." Mr. Harrison had a strong filial attachment for his honored father and mother and a warm fraternal affection for his brothers and sister. His father was a remarkable man; he was a soldier under Generals Wayne and Harrison in the war of 1812. After quitting school in Winchester, and while still in his 'teens, young James entered the sophomore class of Transylvania University, in Lexington, Kentucky, which was then presided over by the brilliant and talented Professor Holly, who had the wonderful faculty of inspiring his students with a generous and lofty ambition to succeed, and at the same time instilling into them the great virtues of honor, truth and nobility. He graduated with the highest honors, leaving his *alma mater* with the stamp of scholarship and a well-regulated ambition to make his mark in the conflicts of life.

Upon his graduation in the collegiate department he became a student in the law department of Transylvania University, where he was graduated with honor in 1824, and on the 21st of March, 1825, was sworn in as a member of the Lexington bar, not then quite twenty-one years of age. He entered upon the practice of law in Lexington, Kentucky, the then Athens of the west, at a bar where such intellectual giants as Clay, Barry, Bledsoe, Haggin and Wickliffe were the leaders and rivals.

M Conyers Johnson

With his excellent habits of industry, sobriety and research, united with his clear, steady, ready and strong intellect, he was not long in want of clients; he did not have to drag through a dreary novitiate ere he was in a full tide of professional business and phenomenal success, at the most renowned bar west of the Alleghanies. He was a man of ardent temperament, united with an indomitable spirit and great will power. His nobility of nature was so potent that he inspired respect and confidence whenever and wherever he appeared, either at home or abroad. He had the faculty of retaining as well as making friends. He filled the office of county attorney for Fayette county for many years, also filled the office of commonwealth's attorney in the Lexington judicial district. No greater friendship ever existed between man and man than that between Mr. Harrison and Hon. William T. Barry, whose last act of friendship to Mr. Harrison was tendering him the position of secretary of legation to Spain. Henry Clay made him one of the executors of his will, which trust he faithfully discharged. President Pierce appointed Mr. Harrison chief justice of the territory of Kansas, which honor he also declined.

His life was one of perfect purity. His religious convictions were strong and deep, and he died a member of the Episcopal church.

After the war Mr. Harrison became a law professor in the law department of Transylvania University, which position he filled with distinguished ability. His last position was superintendent of the public schools in Lexington, Kentucky. It will be seen that his life was one of continued activity and usefulness to the end.

JAMES FLANAGAN.

MADISON CONYERS JOHNSON.—A mile and a half southwest of Georgetown, Kentucky, on the road leading to Frankfort, stood the home of William and Betsy Johnson, and there, on the 21st of September, 1806, occurred the birth of the gentleman whose name introduces this memorial sketch. He died at his residence in Lexington, December 7, 1886, and a shaft in the beautiful cemetery of that city, near the Clay monument, marks his resting place. He died after a useful and honorable life of four-score years,—a life replete with noble toil and manly deeds.

Kentucky pioneers were his ancestors,—men and women of intrinsic worth who lived the free, generous and true life of the frontier. His grandfather, Robert Johnson, was one of the founders of the commonwealth, an able, resolute man who represented Fayette county, of the district of Kentucky, in the Virginia legislature of 1782. He attended the district convention of 1785, was a member of the constitutional conventions of 1792 and 1799, and repeatedly represented Scott county in the state legislature after Kentucky was admitted to the Union. His family were inmates of Bryant's Station when Girty attacked that place in 1782, and his wife was one of the heroic women who made the perilous venture of passing the Indian ambuscade to bring a supply of water from the spring outside the stockade. His son, Richard M. Johnson, afterward vice-president of the United States and famed as the slayer of Tecumseh in the war of 1812, was then an infant.

William Johnson, father of our subject, was then a lad of seven years, but child that he was he assisted in carrying water, with buckets and gourds, to extinguish the flames lighted by the fire-arrows of the In-

dians. In 1813 he led the Kentucky troops that relieved Fort Meigs and saved the army of General William Henry Harrison. He was a brave and gallant soldier, but the exposure of that campaign brought on disease which terminated his life the same year. Thus to his widow was left the care of their children, but Mrs. Johnson possessed a strength of character and soundness of judgment as noticeable as the tenderness of her maternal affection, and was thus well fitted for the duties that came with her widowhood. In 1819 she married again, becoming the wife of John Allen, of Fayette county. Mr. Allen had been previously married to Mrs. Johnson's sister, who had died and left him with young children. Their union was therefore but the joining of family ties, and Mr. Allen's affectionate care for Mrs. Johnson's children was as great as that given to his own.

Madison C. Johnson spent the first thirteen years of his life at the place of his birth, and on his mother's second marriage went to the home of his stepfather, three miles from Lexington. The country schools of the neighborhood afforded him his educational privileges, and his great concentration of mind and careful analysis placed him at the head of his classes. He was not the brilliant scholar whose quickness dazzles, but the earnest, thorough and accurate student who gained his knowledge by effort and made it his own for future uses. He conquered his want of success in boyish sports by exploring minutely the course of training pursued by the Greek athletes, and had the resolution to adhere to a course of exercise pursued so unostentatiously that his comrades did not suspect it, which gave him the first place in contests of fleetness and strength. When sixteen years of age he became a student in Transylvania University, where he was graduated in 1823, winning the honors of a class of thirty-three.

His analytical mind and close reasoning specially fitted him for the practice of law, which he chose as a life work, and his professional education was begun under the direction of Martin D. Hardin, then the leading practitioner at the appellate bar, and continued in the office of Robert Wickliffe. He was admitted to the bar in 1825, in the midst of the confusion occasioned by the controversy of the Old and New Court parties. His license was granted by the Old Court judges, but the Fayette county bar would not acknowledge its validity and issued another license, signed by two circuit judges. Mr. Johnson's success at the bar was soon assured. His accurate and intelligent preparation and management of cases made him a favorite junior with the older members of the profession. He rapidly rose to prominence and for forty years held prestige as the leader of the Kentucky bar. He located in Lexington and was soon in command of an extensive clientage which connected him with the most important litigation of the state. He was an indefatigable worker and his fidelity to his clients' interests was proverbial. In 1840, however, he realized that even his vigorous constitution could be overtaxed, and he erected a beautiful residence in the city of Lexington which he named "Botherum," where he made his home for forty years, and there he found rest and recreation from his arduous professional labors in the care of fruits and flowers, and his delight in the growth of plants and trees which he had himself planted and tended. The healthful diversion which he found in his gardens and

greenhouses stimulated his acquisition of varied and extensive knowledge in the sciences, carried with unwearying interest into the great problems which have engaged modern thought. As the years passed by and he gradually laid aside the more engrossing cares of general law practice, his interest in the science of jurisprudence remained as active and earnest as ever and he continued to be the trusted counselor, consulted in important affairs, as the leader of the bar, and patiently advising the poor and the obscure in their troubles free of cost to them.

Indolence and idleness were utterly foreign to the nature of Mr. Johnson, and in his later years he gave much time to the city interests of Lexington, supporting all measures calculated to enhance the general welfare and promote the progress of the city along lines of substantial improvement. He was a member of the city council up to the time of his death, and guarded the management of its finances. He identified himself with the direction of the Northern Bank of Kentucky, and with scrupulous fidelity devoted himself to the daily discharge of his duties as its president. A multitude of trusts centered in his hands, still he found leisure to ponder deeply upon affairs of national importance, and to furnish the material and suggestions for important legislation, adopted by the United States treasury department and which was the means of saving large sums, in the absence of legislation by congress. His unobtrusive thought lay at the foundation of some of the most beneficial financial measures of the federal government.

Mr. Johnson was married, in 1828, to a daughter of General Green Clay, but his wife died within a year. His friends were many and the hospitality of his home can never be forgotten by those who enjoyed it. With him friendship was a sacred trust and for all mankind he had a broad charity and ready sympathy. Self-seeking ambition formed no part of his nature. He faithfully performed his duties toward his country and his fellow men with simplicity and fidelity. His nature was benevolent and kindly, his life useful and noble, and his memory is revered by all who knew him.

ROBERT WICKLIFFE, of Lexington, was born January 16, 1775, in Pennsylvania, while his parents, Charles and Lydia (Hardin) Wickliffe, were on their way from Virginia to Kentucky. His family came from England about the middle of the eighteenth century, and his father, locating in Nelson county, Kentucky, became noted in the early history of the state. Robert Wickliffe read law under the guidance of the eminent George Nicholas, and rose to distinction in his profession. He was elected to the legislature from Fayette county in 1819, 1823 and 1825, and from 1825 until 1833 was state senator. He was one of the leaders of the "Old Court" party, obtained a wide reputation as one of the most skillful and successful real-estate lawyers, and probably accumulated a larger fortune than any of his professional contemporaries of the state. He married Margaret Preston Howard, and after her death wedded Mrs. Mary O. Russell. Mr. Wickliffe died September 1, 1859.

His family have taken an active and leading part in the affairs of the commonwealth. His brother was Charles A. Wickliffe, elsewhere noticed. His daughter became the wife of General William Preston, and is still (1897) residing in Lexington.

CHARLES ANDERSON WICKLIFFE, of Bardstown, governor of Kentucky and postmaster-general in the cabinet of President Tyler, occupies a place of distinction in the history of this commonwealth reached by few. A son of Charles and Lydia (Hardin) Wickliffe, he was born in a log cabin six miles southwest of where Springfield, Kentucky, now stands, June 8, 1788. He was the youngest of nine children. His mother was the daughter of Martin Hardin, of Fauquier county, Virginia, and a sister of Sarah Hardin, the mother of Ben Hardin. He died at the home of his son-in-law, in Howard county, Maryland, October 31, 1869.

The early education of C. A. Wickliffe was limited. He remained at home until his seventeenth year, then spent a year in a grammar school at Bardstown, and the ensuing nine months continued his studies under the direction of Rev. Dr. James Blythe, acting president of Transylvania University. He studied law in the office of his cousin, Martin D. Hardin, and began practice in Bardstown, the bar of which was perhaps then the ablest west of the Alleghany mountains. It comprised such men as John Rowan, an advocate unexcelled and rarely equaled in his day, afterward a judge of the court of appeals and United States senator; John Pope, one of the strongest debaters that this country has ever produced; Ben Hardin, one of the greatest lawyers of the state; and John Hays, whose marvelous eloquence thrilled all who heard him. In this battle of the giants, Mr. Wickliffe, by fair and honorable exertion, forced his way to a high place in public estimation.

After war had been declared in 1812, Mr. Wickliffe volunteered as a private, but was soon appointed aide to General Winlock. He was elected to represent Nelson county in the legislature the same year, and re-elected in 1813. When the news of the appalling disaster at the River Raisin, which covered the state with mourning, reached Frankfort, the legislature requested the venerable Isaac Shelby, then governor for the second time, to take command of the Kentuckians and lead them to victory and vengeance. Governor Shelby, by proclamation, invited his fellow-citizens to meet him at Newport; Mr. Wickliffe again volunteered, was appointed aide to General Caldwell, of the Kentucky troops, and rendered valuable aid at the battle of the Thames.

In 1816 he succeeded Ben Hardin as commonwealth's attorney in the Bardstown district. In 1820 and 1821 he was again a member of the legislature, and for ten consecutive years, from 1823, when he succeeded Ben Hardin as representative, until 1833, he represented his district in congress. In 1825, when the choice of president of the United States devolved upon the house of representatives, Mr. Wickliffe, in opposition to most of his colleagues, voted for General Andrew Jackson in preference to John Quincy Adams, which action his constituents sustained by re-electing him with a majority of two thousand. He was chosen by the house one of the managers of the impeachment trial of Judge Peck before the United States senate, and made one of the ablest speeches reported in the proceedings of that trial. In 1833, 1834 and 1835 he was again a member of the Kentucky house of representatives, and in 1834 was chosen speaker, after an animated race, over Daniel Breck and John L. Helm. In 1836 he was elected lieutenant-governor, upon

the Whig ticket, defeating Elijah Hise, the Van Buren candidate. Judge James Clark was elected governor, and on the death of Mr. Clark Mr. Wickliffe became the chief executive of the state, serving from October 5, 1839, until September, 1840. He was United States postmaster-general in the cabinet of President Tyler from September, 1841, to March 3, 1845. In 1845 he was sent on a secret mission to Texas by President Polk; was a member of the constitutional convention of 1849. In 1850, in connection with those distinguished lawyers, Squire Turner and S. S. Nicholas, he was appointed by the legislature to revise the statutes, and, the legislature having failed to provide for their publication, he arranged therefor on his own responsibility. He was a delegate to the peace conference at Washington in 1861, and was again elected to congress, serving in sessions of 1861–3. In the latter year he was the Democratic nominee for governor of Kentucky, and was defeated by Thomas E. Bramlette. In 1864 he attended the Chicago convention which nominated General George B. McClellan. He was active in the councils of the Presbyterian church, a devout and consistent member of which he continued through many years of his life.

He was a lawyer of rare ability, his career at the bar being very active and successful. No one ever practiced at the Bardstown bar for so long a period,—almost threescore years. He was connected with many celebrated cases, including DeParcq versus Rice, elsewhere mentioned. In February, 1869, he made in the court of appeals a two-hours speech which, in view of his age and infirmities, surprised those who heard him by the force and ability shown. He had practiced law fifty-eight years and spoke of it as probably his last public speech, and so it proved to be.

He was a magnificent specimen of manhood in his old age, with massive head and heavy brows, which, like his hair, were white as snow, and a presence of imposing dignity. Unlike many of our greatest statesmen, his private life was a model for imitation, unstained as it ever was by moral pollution of any kind and marked by a truthfulness and sincerity resulting from religious reverence. His eminent characteristics were fidelity to his friends and a tenderness which rendered his presence agreeable and cheering in every domestic relation. He dignified every position he occupied and adorned every sphere in which he moved.

He married Miss Cripps, only daughter of Christian Cripps, who was slain by Indians in a desperate fight on Salt river in 1798. Four daughters and three sons were the issue of the union. One daughter married Joseph Holt, of Washington, District of Columbia; another married United States Senator Yulee, of Florida; another Judge Merrick, of Maryland; the youngest married Captain W. N. Beckham, of Bardstown.

Of his sons, John Cripps Wickliffe, born July 11, 1830, was educated at Bardstown and at Center College, of Danville, Kentucky, and on the completion of his course commenced the study of law, which he finished in 1853. Admitted to the bar he began to practice in the courts of Nelson and surrounding counties, in connection with his father. In 1857 he was elected to the lower house of the legislature, and in 1859 was chosen secretary of the senate. In 1861 he was a candidate for re-election, but, being a Breckinridge man and committed to the policy of the seceded states, he was defeated.

At the breaking out of the war he organized a body of young men in Bardstown as a company of the state guard. In September, 1861, he left home and proceeded at once to Green river. After being mustered into the Confederate service, he was elected captain of Company B, Ninth Kentucky Volunteer Infantry, October 2, 1861. On the 15th of May, 1862, he was promoted to be major, and at the siege of Vicksburg and Baton Rouge, when the colonel was disabled, he transferred the command of the regiment to Major Wickliffe. On the 22d of April, 1863, he was promoted to the lieutenant-colonelcy. He was distinguished for bravery and valor.

After the war he resumed the practice of law in Bardstown and became a prominent member of the bar. In January, 1871, he was elected circuit judge, to fill a vacancy; and in August, 1874, was re-elected, serving in that capacity from 1871 to 1880. His judicial ability, of a high order, made him one of the ablest judges that has ever presided over the circuit, and his course on the bench fully justified the confidence of his friends while it awakened the respect and admiration of the legal fraternity.

In 1885 he was appointed United States district attorney for Kentucky, and continued in that office for four years. He has inherited the talents and force of character of one of the most noted families of the state.

A second son of Charles A. Wickliffe, Robert, has been a representative in congress from Louisiana.

The third son, Charles, distinguished himself in the war with Mexico, and some years afterward lost his life by a fall from a horse.

Nathaniel L. Wickliffe, third son of Charles, and brother of Robert Wickliffe, of Lexington, and Charles A. Wickliffe, of Bardstown, was born in Fauquier county, Virginia, November 23, 1781, and came with his father to Washington county, Kentucky, in 1784. At the age of sixteen he became a cripple for life, having broken his left thigh.

He commenced his business career in the office of the clerk of Hardin county court, and in 1804 entered mercantile life with his brother, Martin H. Wickliffe, and until 1827 they were so engaged. In 1830 he was appointed clerk of the Nelson county court and held the office until 1851. He had been admitted to the bar in 1833 at Bardstown and was in active practice, although holding the office of clerk. While not an orator, he was noted for his great skill and exactness in the preparation of law cases. He was frequently associated with his brother, Charles A. Wickliffe, in the trial of cases. Ben Hardin said of them,—both being cousins of his,—"With Cousin Nat to write the song and Cousin Charles to sing it, they could beat the world." He died of apoplexy while in attendance at the Grayson circuit court, October 28, 1856.

Daniel Carmichael Wickliffe, born March 15, 1810, in Lexington, Kentucky, was liberally educated at Transylvania University, and entered on the practice of law at Winchester. He became the editor and proprietor of the "Observer and Reporter," at Lexington, in 1838, and gave his life to journalism for twenty-seven years, as the editor of that paper. He was a stanch supporter of Henry Clay, and was the recipient of the confidence of that statesman. He became a Democrat on the dissolution of the Whig party. In 1862 he was secretary of state under Governor James F. Rob-

inson. In 1865 he retired from the press. Few men have lived in the state who have exerted a wider influence. He died May 3, 1870.

His wife was Miss Virginia Cooper, daughter of Rev. Spencer Cooper, of the Methodist church, to whom he was married November 25, 1844.

Robert Nelson Wickliffe was born in Kentucky in 1805, and educated in Transylvania University. He was a successful lawyer and noted as an orator and as a journalist. He was a fine scholar, but had no ambition for public office or honor. He represented Fayette county in the constitutional convention of 1849, and in 1851 was the Democratic candidate for lieutenant-governor. He died February 26, 1855.

CHARLTON HUNT.—The development and prosperity of a city very largely depends upon those who have control of its affairs in its formative period, for the shaping of its early policy greatly influences its later growth. When Lexington emerged from villagehood and became a city, the gentleman whose name introduces this review was at the head of municipal affairs, and so wisely and carefully did he manage the interests of Lexington that the impress of his individuality yet has its beneficial influences upon the public welfare.

It seems most meet that one whose life began in Lexington during the infancy of the town should have had control of affairs when it merged into cityhood. Mr. Hunt was born here on the 3d of December, 1801, and died on the 27th of December, 1836; yet in the short span of his existence his career seems to be complete, so full was it of good works, of honor and of uprightness. He was educated in his native city, completing the course in the Transylvania University by his graduation in July, 1821. He studied law in Frederick, Maryland, with Hon. R. B. Taney, chief justice of the supreme court of the United States, and first entered upon the practice of his profession in Paris, Kentucky, where he remained until 1825, when he removed to Lexington and assiduously applied himself to the prosecution of the life work he had chosen. Although a young man his transcendent ability and strong personality soon gained him a commanding place at the bar, and he was one of the most prominent lawyers in the state at the time of his death. His talents and legal learning were such as to secure to him a most extensive and lucrative patronage. As a speaker he was bold, ardent and impassioned; in debate frequently sarcastic and severe, but always respectful to his opponent and all those who formed the subject of his comment. Few men have been gifted with a more impressive eloquence, who knew better how to command the feelings of a jury, or who possessed a more absolute control over an assemblage of the people.

His personal popularity and his excellent executive ability made Mr. Hunt the people's choice for the office of mayor when the village became the newly-incorporated city of Lexington. He was the first to hold the position, entering upon his duties in 1832 and being elected again in 1833 and 1834. Under his wise management the new government was ushered in, and needed measures of reform were inaugurated. He established the public-school system, which has grown to be one of the best in the state, and won the gratitude of the entire public by his wise course during the cholera

scourge of 1834, by his heroic devotion to the interests of the city and to the personal comfort of the afflicted. So untiringly did he apply himself to the task of alleviating the sick and preventing the spread of the contagion that his own vigorous constitution became impaired, and undoubtedly his death was hastened by his devotion to others at that time. In 1835 and 1836 he was solicited to accept the office of representative, but refused to become a candidate; yet had he done so his election would almost have been by acclamation, so strong a hold had he on the people's affections and confidence. He was a man of great natural ability, which was cultivated by travel and enlarged by study. He had ample means, which he used with liberality, being generous, open-hearted and courteous, having ever a friendly word for all who knew him.

The death of Mr. Hunt, at the early age of thirty-five, cut off a life that promised much for the good of the county and state. He was mourned as but few men are mourned at so early an age. The Fayette county bar, the city council of Lexington, the Transylvania Law Society, the Forty-second Regiment of Kentucky militia, of which he was major, and other organizations held meetings and adopted resolutions of respect. The entire city went into mourning. During the hours of the funeral services all business houses were closed, and the different societies mentioned above and the majority of the citizens of Lexington assembled to pay the last tribute of respect to one whom all had known and loved to honor.

The following resolutions expressive of the sentiment of the bar were adopted:

"*Resolved*, That the members of the Fayette county bar have heard with the deepest sensibility of the untimely death of their friend and associate, Charlton Hunt, Esquire; and as a manifestation of their respect for departed worth, and in testimony of their deep regret under the affecting dispensation of Providence, they will as a body attend his funeral and wear crape for thirty days.

"*Resolved*, That Robert Wickliffe, Sr., James E. Davis and Daniel Mayes be appointed a committee to address the widow and relatives of our deceased friend, and to say to them that if the deep and united sorrow of those with whom he most mingled and by whom he was most intimately known, added to theirs, can be any alleviation of their suffering, the members of the bar can impart this faint and melancholy consolation."

A paper published at the time of his death said: "If he had an enemy the urbanity of his manners, his magnanimity, frankness and the native goodness and generosity of his heart were certain of an ultimate conquest over every feeling of prejudice or animosity. As an executive officer he discharged his duties with singular fidelity and ability, and under his administration were commenced those numerous and varied public improvements which have contributed so largely to the stable growth of the city."

Mr. Hunt was married April 13, 1824, to Miss Rebecca Tilton Warfield, a lady of most excellent family and superior accomplishments. Only one of the children survives, in 1896, a daughter, the widow of Colonel John Reid. She resides at the old homestead, which was erected in 1811, and is one of the best examples of colonial homes in the state. Mrs. Reid has restored the old house to its pristine glory, and there dispenses the hospitality that so delighted

the noble father whose memory she thus honors.

One son, Elisha W. Hunt, was born September 17, 1825, and died April 4, 1855. He was educated at Transylvania University, where he was graduated in the class with the late United States senator, James Birnie Beck, and with whom he was associated in the practice of law. He was a young man of great prominence and ability of a high order. Ill health compelled his withdrawal from active practice, and he died of consumption at the early age of twenty-nine years.

FRANK KEY HUNT, of Lexington, was born February 20, 1817, and was the youngest brother of Charlton Hunt, who is mentioned elsewhere. He was educated at Lexington, and at Kenyon College, and entered on the practice of law in 1840. A man of fine presence, independent fortune and rare intellectual gifts, he sought no public office but devoted his great ability to the conduct of his private affairs, his practice and to the betterment of the community wherein he lived, in which he had been born and which to him was very dear. He was for some time a professor of law in the Kentucky University, gave of his time to the management and care of the asylum for the insane of eastern Kentucky, being the president of the board of managers and was active in the advancement of all public enterprises for the good of Lexington. He was an erudite lawyer, a careful and painstaking counselor and an eloquent advocate. His perceptions were true, his expressions clear, his integrity was unflinching, his sense of right strong and unwavering, and at all times he displayed that self-possession which comes from mental poise and rectitude of character.

Mr. Hunt was married in June, 1840, to Julia J. Warfield. His only descendant living in 1897, is a daughter, Maria B. (Hunt) Dudley, the widow of Dr. B. F. Dudley, of Lexington.

ARTHUR CARY, of Lexington, general counsel for the Lexington & Eastern Railroad Company, was born in Louisville, Kentucky, on the 1st of October, 1841. His father, George H. Cary, was a native of Virginia and engaged in the drug business. He wedded Mary Berryman, of Kentucky, whose ancestors came from Virginia to this state at an early period in its development.

Arthur Cary acquired his literary education in private schools in Louisville, and was graduated in the law department of the University of Louisville in the class of 1867. Having been admitted to the bar he began the practice of his chosen profession in Louisville, where he remained until 1895, when he came to Lexington. Until 1890 he engaged in general law practice, and enjoyed a lucrative and extensive business. His skill in preparing the law and evidence, and his logical deductions in argument, won him a reputation indeed enviable and led to his selection for the important position which he now fills as general counsel for the Lexington & Eastern Railroad Company.

Mr. Cary has been twice married. He wedded Miss Fanny Graddy, of Woodford county, Kentucky, who died in 1876, leaving one son, Buck Graddy Cary. Mr. Cary was again married in 1895, his second union being with Mrs. D. D. Bell, of Lexington, Kentucky.

J SOULE SMITH, of Lexington, was born March 20, 1848, in Hamilton county, Florida. He entered the southern army when a lad of fifteen years and served throughout the war in General Gordon's brigade in the Army of Northern Virginia. He was taken prisoner at the battle of Winchester, September 19, 1864, and released on parole in February, 1865.

The close of the war found him an overseer on a plantation near Bailey's Mill, Florida, where he remained until the fall of 1865, when he removed to Fayette county, Kentucky. Here he pursued his studies and also taught school, attended law lectures at Kentucky University and graduated there in 1871, since which time he has been engaged in the practice. In 1875 he became professor of common law in Kentucky University, which position he filled some years.

Mr. Smith has edited the Lexington Observer and Reporter and gives considerable time to literary pursuits. His writings, especially some of his poetic effusions, are much admired. He is one of the best-read lawyers of the Lexington bar and a man of versatile ability. He has trenchant wit and a ready command of language, which makes him a popular speaker, whose services are in much demand on public occasions. He is also a most genial, courteous and cultured gentleman.

He was married in 1875 to Juliet, daughter of Daniel Bryan, of Fayette county.

THOMAS T. FORMAN, a member of the firm of Bartlett & Forman, attorneys at law, of Lexington, comes of a family whose ancestral history can be traced back to the time of the religious persecution during the reign of King Charles I, of England, at which time Robert D. Forman fled from his native land and took up his residence in Holland. In 1645 he removed from that country to the Dutch possessions on Long Island, New York, and became one of the incorporators of the town of Flushing. His grandson, Samuel Forman, removed from Long Island to Monmouth county, New Jersey, where he served as high sheriff; his grandson, Thomas Forman, removed with his wife and children to Mason county, Kentucky, in 1789. Among the children in this family was Ezekiel Forman, grandfather of our subject, who for many years was extensively engaged in farming and trading in Mason county, running a line of flatboats from Maysville to New Orleans, then the market for all Kentucky produce. Rev. Ezekiel Forman, father of the gentleman whose name introduces this review, was a native of Mason county and for some time was the oldest member of the Presbytery of Transylvania, but in 1890 he severed his connection with the church in Kentucky and has since been pastor of the Memorial Presbyterian church of New Orleans. He married Ellen Russell, daughter of David A. Russell, a native of Belfast, Ireland, of Scotch-Irish extraction.

Springing from a family whose fidelity to principle is unswerving and whose loyalty to the right is above question, Thomas T. Forman partakes of the family characteristics and commands the highest respect and confidence of all who know him. He was born in Richmond, Kentucky, December 29, 1852, and obtained his education in the University of Virginia and the Kentucky University, completing several courses in both institutions. After leaving school

he taught for one year in Bardstown and then read law under the preceptorage of Hon. John Quincy Adams Ward, at Cynthiana. In 1873 he was admitted to the bar, and from May, 1874, until September, 1890, he practiced in Cynthiana, during which time he served as city attorney. He was also attorney for one of the national banks and was local counsel for the Kentucky Central Railroad Company. His connection with the Lexington bar has continued since 1890, and by the choice of his brethren at the bar he has repeatedly served as special judge of the Fayette circuit court. Considering the few years of his residence at Lexington and the strength of the bar of that city, he has been employed in very many important cases, and has won in a remarkable degree the respect of the community and the confidence of the profession.

In 1876 Mr. Forman married Miss Lelia Campbell Donohoo, of Bardstown, Kentucky, by whom he has four children. He has been a member of the Presbyterian church for nearly thirty years and an elder in the church for about half of that time. On coming to Lexington he took charge of the Maxwell Street Presbyterian mission, and in June, 1891, did the first work there in organizing an afternoon Sunday-school. In May following, the organization was made a separate church, and is now self-supporting, with a membership of almost three hundred. Mr. Forman was one of the ruling elders of the church from the beginning, and those best acquainted with the history of the church attribute its remarkable growth in a large measure to his work. In January, 1896, when this church had become self-sustaining, Mr. Forman went back to the First Presbyterian church of Lexington, with which his family were connected, and he is now the superintendent of the Sabbath-school of the latter church. Mr. Forman was elected by the board of education of Lexington to fill a vacancy for the year 1896. He found the demands of that position upon his time so great that he declined to serve longer than one year. In 1890 he was commissioner of West Lexington Presbytery to the general assembly of the Presbyterian church, south, at Asheville, North Carolina, and has repeatedly represented his church in the Presbytery and synod in Kentucky. He is a zealous Mason and has served as worshipful master of Lexington Lodge, No. 1, the oldest lodge of Freemasons west of the Alleghanies, it having been founded four years prior to the admission of Kentucky into the Union.

MORRIS WHITON BARTLETT, of Lexington, is one of the younger yet able representatives of the bar of Kentucky. He was born in Natchez, Mississippi, on the 6th of September, 1871, a son of Rev. W. F. V. Bartlett, who for twenty-three years has been the honored pastor of the First Presbyterian church of Lexington. The Rev. Mr. Bartlett was born in Portland, Maine, descending from the Bartlett family that was founded in America by two brothers of that name who came over soon after the Mayflower brought to New England her first settlers. The Rev. Mr. Bartlett was graduated at Yale College with the class of 1853 and soon afterward entered upon the work of the ministry. He was residing in Natchez, Mississippi, at the time of the inauguration of the Civil war, and in the first year of the long struggle he entered the Confederate service, remaining with the army until the cessation of hostilities and

carrying consolation and hope to many a wounded hero. When the war was over he became president of Oakland College, Mississippi; in 1873 he was called to take charge of the First Presbyterian church of Lexington, where he has since remained. His wife was Miss Mary Moore, of Natchez. The Moore family came to Kentucky from Virginia, but were directly connected with the Rochesters who founded the city of that name in New York.

Morris Whiton Bartlett received a careful educational training under the direction of his able father. He attended the excellent public schools of Lexington and the State Agricultural and Mechanical College, located in this city. His business preference seemed to be for the profession of the law, and he fitted himself for legal practice in the University of Virginia, where he was graduated with the degree of Bachelor of Law, having served as president of the class of 1893. He at once opened an office in Lexington, where he has commanded the respect of the community and his professional brethren by his assiduous attention to business and his honorable conduct of all matters entrusted to his care.

On the 21st of November, 1894, was consummated the marriage of Mr. Bartlett and Miss Wallace Moore, daughter of Colonel D. L. Moore, president of the Mercer National bank, of Harrodsburg, Kentucky. They are the parents of one child, Vincent Rochester. Mr. Bartlett is a consistent member of the Presbyterian church, is an active worker in the ranks of the Democracy and also in the advancement of the cause of education, morality and good government. Socially he is connected with that great body, the Masonic, taking an active interest in fraternal gatherings.

JOSEPH SAMUEL BOTTS, of Lexington, is among the native sons of Kentucky who have risen to prominence at her bar. He was born in Woodford county, on the 17th of September, 1865, a son of H. Christopher Botts, a capitalist and farmer, and a native of Montgomery county, Kentucky. His mother, Nannie (Felix) Botts, was a native of Woodford county; both parents belonged to pioneer families that came to this state from Virginia at a very early day. He lost his mother when he was an infant and was reared in the home of his maternal grandmother, attending the schools of his native county until twelve years of age, and entered the college at Georgetown, Kentucky, where he pursued his studies for five years. He was graduated in the law department of the University of Virginia, in 1886, and by vote of the class received the class honors, although he was the youngest graduate of that year; the degree of Bachelor of Laws was conferred upon him; he was then examined by the court of appeals of Frankfort, Kentucky, for admission to the bar, and was licensed to practice in 1886.

Opening an office in Lexington, he has since been active at the bar, where he has won a high reputation that comes only through superior merit and ability. He has made a special study of corporation and real-estate and building-association law, and is considered authority in this department of the profession. He is the attorney for the Deposit Building & Loan Association and the Fayette Building & Loan Association, of Lexington, Kentucky, for the United States Savings & Loan Association, of St. Paul, Minnesota, and the United States Building & Loan Association and the Commercial Building Trust, of Louisville, Ken-

tucky; also for a large number of commercial concerns and corporations, for the private bank of E. D. Sayre & Company, of Lexington, and others outside of the state.

The business career of Mr. Botts has been a most creditable one; with determined effort and unfaltering courage he fitted himself for his profession, and since his admission to the bar has steadily worked his way upward therein until he is now numbered among the noteworthy lawyers of Lexington. His sterling qualities of heart and mind, his thorough knowledge of the law, his indomitable energy, his methodical habits, have all combined to make him one of the most able representatives of the bar in Fayette county, while his uniform courtesy and his genuine worth command the respect and unqualified confidence of all with whom he comes in contact. He is interested in all that pertains to the public welfare and the advancement of the best interests of the community, and when occasion requires his hand has been extended in helpful and bountiful charity; but his work in this direction is so quietly performed that few know of it, for it is the earnest desire of Mr. Botts to avoid anything savoring of ostentation and display.

JOSEPH DRUMMOND HUNT, of Lexington, was born in Fayette county, Kentucky, on the 14th of August, 1838. His paternal grandfather removed from New Jersey to Kentucky in 1800, and for almost a century the family has been connected with the history of the commonwealth. The father, P. G. Hunt, was born in Fayette county and for many years was a prominent representative of its agricultural interests. He married Miss Mary A. Bullock, also a native of the same county. Prior to 1800 her people came from Virginia, and the family is one of the most distinguished within the borders of Kentucky.

Joseph D. Hunt obtained his early education in the schools of his native county, which was supplemented by a course in Center College, of Danville, where he was graduated with the first honors of his class, and the degree of Bachelor of Arts, in 1857. Among his classmates were several who have become distinguished, including J. C. S. Blackburn, United States senator; James B. McCreary, ex-governor and member of congress. Mr. Hunt studied law in Lexington with F. K. Hunt and Chief Justice George Robertson, and was graduated in the law department of the University of Louisville in 1861, with the degree of LL.B.

Through the following year he engaged in the practice at Lexington, but his sympathies were enlisted in behalf of the southern states, and in 1862 he joined the Confederate army as a private in the Eighth Kentucky Cavalry. He participated in the battle of Hartsville, Tennessee, and a number of minor engagements, and was captured in Buffington, Ohio, while in the command of General Morgan on the celebrated raid through that state. Later he was exchanged, rejoined the Confederate service and continued in the army until the disbandment of his regiment at Woodstock, Georgia.

During the following year Mr. Hunt engaged in teaching school in Todd county, Kentucky, and then resumed the practice of law in Hopkinsville. He returned to Lexington in June, 1867, and has since been a member of its bar. He served as city attorney in 1868–9 and in 1873 was appointed circuit judge, to which position he was

elected for the full term of six years in August, 1874. Declining a re-election in 1880, he retired from the bench and engaged in general practice. His clientage was extensive and embraced practice in all departments of the law. He found a pleasant and profitable diversion from his legal duties in administering the affairs of the Northern Bank of Kentucky, of which he has been president since 1888.

Judge Hunt is deeply interested in the welfare and advancement of the city interests of Lexington and for two terms served as alderman. He won success in his profession by devoting himself to it without reserve. The qualities, acquisitions and peculiarities which have combined to make him so successful may be briefly referred to with profit both to the general and the professional reader. He is the embodiment of honor, and is, everywhere and by every one, recognized as a realization of the highest ideal of the lawyer and the man of affairs. More important than any other one thing, is the fact that he may be trusted implicitly under any and all circumstances. His knowledge of the law is broad and deep, and his grasp of its details and ability to apply them promptly and accurately are commended by all who know him professionally. He is quick, accurate and reliable, direct in his methods, avoiding reliance on technicalities or novel or questionable views of law, depending rather upon essential points involved in controversies and the guidance of well-established general principles.

WILLIAM CARROLL GRAVES HOBBS, of Lexington, is a native of Hawkins county, Tennessee, born in St. Clair on the 6th of April, 1864. His father, Creed Fulton Hobbs, M. D., a physician by profession, was a native of Lee county, Virginia, descended from one of three brothers of the name of Hobbs, who came from Wales to America in the eighteenth century. His mother was Sallie A. (Quary) Hobbs, a native of the Old Dominion, whose ancestors, belonging to a family of Irish origin, located in that state in colonial days. A brother, Nathan H. Hobbs, also is a member of the Lexington bar.

Our subject acquired his early education in the common schools of Lee county, Virginia, whither his parents removed soon after his birth. His first business experience came through the channels of merchandising, but he was not content with a commercial career, and while thus engaged he took up the study of law with the intention of making its practice his life work. Continuing his reading under the direction of Hon. Z. Gibbons, of Lexington, Kentucky, he was admitted to the bar in that city on the 4th of May, 1893, and has since been in active practice, giving special attention to equity jurisprudence. Although his connection with the bar of Fayette county is of short duration, his practice has already assumed extensive proportions and his name appears on the docket as frequently as that of any attorney at the bar. His untiring industry and his close and careful attention to his clients' interests have won public confidence. He is now the attorney for several important corporations. The ease of his manner before judge or jury indicates perfect familiarity with his case and painstaking preparation, and the clear, forcible way in which he presents his arguments carries conviction with it.

On the 23d of April, 1890, Mr. Hobbs

W. C. Hobbs

was united in marriage to Emma C. Stevenson, of Brown county, Ohio, daughter of Joseph A. Stevenson, now of Pine Grove, Fayette county, Kentucky, a prosperous farmer of that locality. One child, Joseph Creed, has been born to them. Mrs. Hobbs has by her wise counsel, her sympathetic nature, her cheerful disposition, and by her deep interest in everything pertaining to her husband's welfare and success, contributed materially to his advancement at the bar.

Mr. Hobbs is a member of Friendship Lodge, No. 5, I. O. O. F., and has been deputy grand master of the district. He is a Knight of the Ancient Essenic Order, Fayette Senate, No. 262, which is the largest senate in the world, and also belongs to Henry Clay Council, National Fraternal Union, of which he is the adjuster in Lexington.

JAMES GARRARD, in whose honor Garrard county was named, was the second governor of Kentucky and was an important factor in founding the state and molding its early policy. He was born in Stafford county, Virginia, January 14, 1749, and served with distinction as one of the Revolutionary patriots. He was a member of the Virginia legislature and at an early day removed to Kentucky, where he bore a prominent part in the events which form the early history of the state. He was a member of the convention which met in Danville in 1785, looking to the formation of a new state; served in the conventions of 1787 and 1788, representing Bourbon county, and was a member of the Virginia legislature from Kentucky. He was also a prominent figure in the convention of 1792, which framed the first state constitution; was several times the representative of his district in the Kentucky legislature, and in 1796 was elected the second governor of the new commonwealth, filling the office by re-election for eight years, the only man so honored in the history of the state, he administering its affairs with distinguished ability and thereby promoting the peace and prosperity of the state.

He was beloved by all Kentuckians and was honored for his able public service, for his Christian character and the purity of his private life. He died at his home in Bourbon county, January 19, 1822, and in the winter of that year the legislature ordered a monument to be erected to his memory.

GARRETT DAVIS, of Paris, lawyer and statesman, was born at Mt. Sterling, Kentucky, September 10, 1801, and died at Paris, this state, September 22, 1872. His father was Jeremiah Davis, a blacksmith, who was held in high esteem by his neighbors and represented his county in the legislature in 1810. He was a man of great energy and sound common sense, and acquired a competency. His mother was a Miss Garrett, who, like her husband, was a native of Maryland. Jeremiah Davis died in 1813.

Garrett Davis served as deputy in the circuit clerk's office at Paris, and was admitted to the bar in 1824. He was practically self-educated, and acquired a good knowledge of Latin and Greek and the sciences without instruction, through his extensive reading and wonderful memory, becoming one of the most intelligent men of the country. He represented his county in the state legislature from 1833 to 1835. His brother, Amos Davis, at the same time represented the district in congress, and died

pending a re-election. In 1839 Garrett Davis was elected and continued to represent the district from 1839 to 1847. He was a delegate to the constitutional convention of 1849, and elected United States senator for the term of 1861 to 1872, dying while in office.

Mr. Davis was probably one of the most remarkable men the state has produced. Though small in stature, he was endowed with wonderful physical courage, indomitable will and independence of thought. Nothing could swerve him from the path which his reason told him was the right one, the earnestness and pertinacity with which he maintained his views being a marked characteristic of his public life.

He was a Whig while that party existed, the personal friend and champion of Henry Clay, and acquired distinction by his able advocacy of the tenets of the party on the floor of congress. He was outspoken in regard to every question before the people, and no doubt ever existed as to his position on the subject under discussion. His anti-Catholic views were boldly set forth in the constitutional convention of 1849, when he also attacked the provision to make the judiciary elective. So strong was his conviction of the correctness of his own position that he refused to vote for or sign the constitution as framed by the convention, and resigned rather than do so. He joined the Native American and later the American party, and was nominated by the latter in 1856 as its candidate for the presidency of the United States, but declined. He also declined the nomination of the Whig party for lieutenant-governor in 1848, and the nomination for governor in 1855 by the American party. He was opposed to secession in 1861, and supported the government in all of the measures looking to the maintenance of the Union up to 1863, when the abolition of slavery as a war measure caused him to assail the administration and the conduct of the war as vigorously as he had previously supported them, and he denounced many of the acts of the dominant party as infractions of the constitution. He was an able lawyer, an exhaustive thinker, a candid, honest, fearless debater.

Mr. Davis was married in 1825 to Miss Trimble, daughter of Robert Trimble, associate justice of the United States supreme court, and at one time chief justice of Kentucky. His eldest son, Robert Trimble Davis, became his law partner and represented Bourbon county in the legislature from 1865 to 1869.

ISAAC SHELBY, soldier, statesman and the first governor of Kentucky, was born near Hagerstown, Maryland, December 11, 1750, and died at his home in Lincoln county, Kentucky, July 18, 1826. He learned surveying, and in 1775 came to Kentucky with Henderson and others to survey lands. In 1777 he was appointed by Governor Henry, of Virginia, commissary of supplies for the militia on the frontier, continuing in this service in 1778 and 1779. In the spring of 1779 he was elected to the Virginia house of representatives from Washington county; was the commissioner to locate the line between Virginia and North Carolina, by the extension of which he became a citizen of the latter state and accepted a commission from Governor Caswell, of North Carolina, as colonel.

In 1780 he visited Kentucky in the interest of his land claims previously located,

but returned to North Carolina, and from that time to the close of the war of the Revolution was an active participant therein. The battles at Musgrove's Mill, recorded in history, and King's Mountain, regarded by some historians as the most vital engagement of the war in the south, were won largely through his instrumentality. He received the thanks of the legislature of North Carolina, and an elegant sword was presented him for his patriotic conduct in the attack and defeat of the enemy on King's Mountain, October 7, 1780.

In 1782 he was elected a member of the North Carolina general assembly, and was one of the commissioners appointed to survey lands allotted to the officers and soldiers of North Carolina.

In 1783 Mr. Shelby returned to Kentucky, going to Boonesboro, where, in April, he was married to Susanna Hart, second daughter of Nathaniel Hart, one of the first settlers of the state, and established himself on the first settlement and pre-emption granted in Kentucky, where, forty-three years later, he died. He was a member of the early conventions held at Danville for the purpose of securing a separate state government for Kentucky, also a member of the constitutional convention of 1792, and in May of that year was elected the first governor of the state. In 1812 he was again elected and for a second time served in that capacity.

Governor Shelby's participation in the war of 1812 is also a matter of history. In March, 1817, he was tendered the portfolio of war in the cabinet of President Monroe, but declined it. In 1818, in conjunction with General Andrew Jackson, he was appointed by the president to negotiate with the Chickasaw Indians for the purchase of their lands west of the Tennessee river. This was his last public service.

Integrity, fidelity to the constitution and economy in public expenditure were the strong features of his administrations. His patriotism and personal valor were well known and made him a much beloved, trusted and honored leader, and his memory is cherished by every Kentuckian.

GEORGE CATLETT LOCKHART, of Paris, was born in Lexington, Kentucky, April 28, 1848, and died March 9, 1896. His father, Henry Hearne Lockhart, was born in county Armagh, Ireland, in 1800, of pure Scotch parentage, and in 1807 he accompanied his parents to America, the family locating at Newburg, New York. At an early age he left home and made his way to South Carolina, whence he afterward moved to Kentucky, settling in Lexington, where for many years he was engaged in farming and trading. He married Miss Sarah Richardson, of Montgomery county, Kentucky, daughter of Marquis and Henrietta (Catlett) Richardson, and of five children born to them George Catlett Lockhart was the third son and youngest child. His brother, William H. Lockhart, became a prominent educator in central Kentucky; and Marquis R. Lockhart, the other brother, is a lawyer of note in Newport, Kentucky, where he has filled the office of commonwealth's attorney.

George C. Lockhart was educated in the best schools of Lexington and in Bacon College, of Harrodsburg. After leaving the latter institution, in 1861, he taught school in Jessamine and Bath counties for several years, and in 1865–6 he edited the Mt.

Sterling Sentinel, formerly the Whig. During this time he had continually in mind the hope of entering the legal profession and all his leisure hours were devoted to reading and study of legal works. In 1867 he was admitted to the bar at Mt. Sterling, Kentucky, but continued his studies for some time thereafter, and in order to enlarge his literary knowledge he sought again the duties of an educator, becoming an assistant in Woodland College, of Independence, Missouri, where he remained until 1870. In that year he returned to Paris, Kentucky, where he entered at once upon the active practice of his profession and built for himself an enduring monument as a lawyer and as a man. He soon won the confidence and esteem of his townsmen by his upright life and attention to the business entrusted to his care, and early in his career at the bar had a valuable clientage. His business increased rapidly and soon assumed extensive proportions. In 1875 he was elected to the legislature and served one term, but declined further political office.

In 1879 Mr. Lockhart was appointed local attorney for the Kentucky Central Railroad and later became district attorney of the same when the road became the Kentucky Central division of the Huntington system. On the purchase of that road by the Louisville & Nashville Railroad Company he was appointed district attorney for that company. He remained district attorney until his untimely death, and ranked among its ablest and most confidential and highly-esteemed attorneys and counselors. His private practice, however, was never interrupted and from 1870 to the date of his death he was connected with almost every important case that was tried in the circuit court of which Bourbon county was a part. He took an active interest in everything tending to benefit the community in which he lived, and in 1883 became a member of the Paris board of education, and by re-election served continuously on that board until his death, giving of his time and wide experience to better the educational institutions of the city.

Thus, in a few words, have we outlined the public work of Mr. Lockhart, but this tells little of the true man and of what he accomplished, for his influence was strongly felt by all with whom he came in contact, and left its impress for good upon his many associates of business and social life. To the younger members of the bar—indeed, to all in his noble profession—his life furnishes a most instructive lesson. His beginning in the profession, his labor, his fidelity, his commanding ability, his success is, all in all, an object lesson of great value, and we honor him best who most earnestly strives to entwine his life in ours, who works as he did—without ceasing—for our families, our friends, our city, county, state and God; a son who was the support and stay of aged parents, a husband loving and true, a father kind and indulgent, a citizen quickened to every worthy enterprise, an attorney, counselor and advocate to whom the greatest interests were confided; a friend ever true, a citizen ever ready to aid the state, loved, honored and respected by all: what life could be more complete? Not great in the sense that he had secured high office, or that he aspired to lead and dominate men in any particular line, or in the consummation of any particular purpose, he was, nevertheless, a truly great man in his general purpose of life, in his labor, his love, his fidelity. A man of ceaseless activity, he brought to the discharge of his varied duties

a mind thoroughly prepared by painstaking study, a heart fully alive to the best emotions of our nature, a courage equal to every emergency. He was neither self-opinionated or narrow in thought or act, but with research and varied learning had made himself conversant with the best and most advanced thoughts of the day, not only in his chosen profession, but also in statecraft, science, literature and religion. His was a broad mind—firm, yet tolerant; his nature was kind, genial and generous; and in manner he was courtly, yet courteous.

"His life was gentle, and the elements
So mixed in him that Nature might stand up
And say to all the world, 'This was a man.'"

As an advocate before the court, Mr. Lockhart was able, profound and logical; before the jury, eloquent and convincing. He attained the highest eminence as a practitioner of his profession.

On the 31st of January, 1882, Mr. Lockhart married Miss Florence L. Kelly, of Millersburg, Kentucky, a daughter of Rev. Samuel Kelly, one of the most earnest and distinguished members of the ministry of the Methodist Episcopal church, south, in Kentucky. Her brother, Rev. G. C. Kelly, of Birmingham, Alabama, is also recognized as one of the most prominent and eloquent ministers of that denomination. Mrs. Lockhart was educated with great care and thoroughness, and at the time of her marriage occupied the chair of English literature in the Millersburg Female College. Ever devoted to her husband and her children she made her home an ideal one and adorned it with all the graces of a true wife and mother. With her three daughters—Mary Hearne, Sarah Catlett and Florence Kelly—she is still living, in Paris, giving her attention to the care and education of her children. She is also deeply interested in all that pertains to the mental development of Paris and the promotion of all culture, and is now the esteemed president of the Paris Literary Club.

Mr. Lockhart was singularly devoted to his profession and turned aside but once for a brief period to occupy a political office, that of representative of the state legislature, for a single term. He was, however, deeply concerned in the political welfare of his state and country, and his voice was frequently heard in political debate on the hustings and in council supporting Democracy, of which he was an unwavering advocate. He was a devout believer in God and the Christian religion, and the influence of holy principles permeated his whole life. At his death Kentucky lost one of its most valued and honored citizens, and throughout the state were heard expressions of the deepest regret and sympathy for the bereaved family. Resolutions of respect were passed in the general assembly, by the bar, the board of education and by the Paris Literary Club, all bearing testimony to the high esteem in which he was universally held; but one of the highest and most valued testimonials to his character and worth was that contributed by an associate of twenty years' standing, who had known him from early manhood,—Professor George S. Bryant, president of Woodland College, Independence, Missouri,—who wrote: "He was my friend and associate in business during his stay in Independence. Our house was his home and we dwelt together in love. The impressions he left upon me are indelible. I have frequently used his name before my school as an example to noble incentive; with me he stands for effort, truth, justice, love."

DENIS DUNDON, one of Kentucky's native sons, was born in Bourbon county, November 11, 1868. His father, James Dundon, was a native of county Cork, Ireland. He served for ten years in the English army, and in 1866 came to America, taking up his residence in Bourbon county, Kentucky, where he died in 1874, leaving his wife and seven children in limited circumstances. The mother bore the maiden name of Julia O'Connell, was a native of Queens county, Ireland, and came to the United States when a child of five years, her parents locating in Lexington, Kentucky, whence they removed to Bourbon county, where Mrs. Dundon was married.

Denis Dundon attended the common schools of his native county until 1882, when he was selected as one of the beneficiaries of the Garth fund of Bourbon county, and sent to the Kentucky Wesleyan College, at Millersburg, where he pursued his studies for six years, being graduated in 1888 with the degree of Bachelor of Arts, when nineteen years of age. He made excellent use of his opportunities and, with a good literary education as a foundation on which to rear the superstructure of success, he started out in life. In the fall of 1888 he went to Americus, Georgia, where he put his knowledge to the practical test as a teacher in the common schools of that place. After two years thus passed he returned to Kentucky in 1890 and taught in the common schools of Scott county for two years. He then entered upon preparation for the legal profession as a student in the law department of the University of Virginia and was admitted to the bar in the summer of 1893, at Paris, Kentucky, where he has since engaged in practice.

Mr. Dundon was selected by the county court as one of the commissioners of the Garth fund, in 1894, and is now the active secretary of that board. William Garth, of Bourbon county, by will left forty thousand dollars for the education of poor but ambitious and worthy boys of Bourbon county. The money passed into the hands of the county treasurer for investment and the income therefrom was used by the appointed board of commissioners for the education of "young men of Bourbon county, as they may think most conducive to the public good; and in the distribution of this interest, as directed, the court may pay for tuition, board, books and clothing, any one or all, as in their opinion may be deemed best." Many of the young men who have been educated according to the terms of this will have been eminent in different walks of life. This number includes Hon. J. W. Bryan, of Covington, Kentucky, who has been state senator and lieutenant-governor; J. M. McVey, Horton Moore, Denis Dundon, Elisha Stewart, E. M. Dickson, Hugh Clancy,—all of whom have become prominent attorneys; P. I. McCarthy and William Myall, bank cashiers; John M. McCann, who is now an officer in the United States Army; G. C. Kelley, a Methodist divine; Norman Woods, a Baptist minister; William and James Gorey, who are Catholic priests, and a number of others who have gained distinction as physicians, teachers or in literary work.

Mr. Dundon, of this review, exercises his right of franchise in support of the men and measures of the Democratic party, but has never been an aspirant for political honors. He owes his literary education to the Garth fund, his legal education to his own efforts. Without the aid of wealth or influ-

ential friends he has risen steadily by his own exertions, making for himself an honorable place in the ranks of the legal fraternity of Kentucky. He possesses many of the marked characteristics of the Irish race, so noted for its versatility and masterful mentality; and to a sturdy uprightness of character he adds a genial manner that has made him hosts of friends. At the bar he is a careful, painstaking lawyer, with whom the clients' interests are paramount.

THOMAS EARL ASHBROOK, of Paris, was born in Cynthiana, Kentucky, January 17, 1867, a son of Thomas V. Ashbrook, a prominent distiller, who was born in Harrison county, Kentucky, and was descended from Virginian ancestors, who came to this state during the period of its pioneer settlement. He married Artemisia Belles, a native of Indiana. Their son, Thomas E., acquired a common-school education in the graded schools of his native city, and was graduated at the Kentucky University, of Lexington, with the degree of Bachelor of Arts, in 1883. He then entered the University of Virginia and completed the course in law with the class of 1888. On his admission to the bar, in Paris, in October, 1888, he became associated in practice with Judge Russell Mann, a prominent attorney of Paris and for many years county judge, and the co-partnership still continues. His practice has been general, and the firm of which he is a member has been connected with much of the important litigation of his county, and with many cases involving large estates and landed interests. They are now attorneys for the Deposit Bank of Paris, the Paris Electric Light Company, Hotel Windsor Company and other corporations, besides having a large clientage from among the business men of Paris. Mr. Ashbrook has acceptably filled the position of county attorney, acting for ten months in that capacity during the tenure of office of W. R. Lyle. Although one of the younger members of the bar he has demonstrated the possession of those qualities which always insure success, and by the exercise of those abilities with which nature has endowed him and those he has acquired, he is rapidly winning a place among the eminent members of the profession who are many years his senior.

In April, 1889, Mr. Ashbrook married Miss Jennie Allan Withers, daughter of Colonel W. T. Withers, a veteran of the Mexican war and a soldier in the Confederate army. He was a lawyer by education and practiced his profession in Jackson, Mississippi. After the close of the Civil war he abandoned the law and turned his attention to the business of stock-breeding in his native state, Kentucky, in which pursuit he accumulated a fortune. Mr. Ashbrook and his wife have two children, Allan Withers and William Temple Withers, and their home is the center of a cultured society circle. Mr. Ashbrook is a member of the Christian church of Paris, which has the largest congregation in the city. He votes with the Democratic party, but takes no active part in political affairs. Of a studious nature, fond of investigation and analysis, he greatly enjoys his membership in the American Institute of Civics. He is one of the commissioners of the Garth fund, a sum of money left by William Garth for the purpose of providing poor but worthy boys with the means of acquiring an education. He is deeply and actively interested in all that pertains to the advancement of education,

regarding it as one of the greatest safeguards of the nation, and since March, 1896, has served as a member of the board of education of Paris. He is a man of refined and artistic tastes, courteous and polite to all.

WATTS PARKER, of Lexington, circuit judge of the twenty-second judicial district of Kentucky, was born in Athens, Fayette county, February 23, 1848. His father, John E. Parker, a farmer and shoemanufacturer, was a native of Caroline county, Virginia, and in that state married Rebecca Shepard, a native of the same county. In 1835 he removed to Kentucky, locating in Fayette county.

Judge Parker was educated in the district schools of his native county until fourteen years of age. Thinking to enter the medical profession, he read medicine while conducting a small country store in Athens, and in the winter of 1866–7 attended a course of lectures in the Miami Medical College, of Cincinnati, Ohio. He did not practice, however, but removed to Lexington in 1868 and engaged in the grocery business. While thus employed he took up the study of law, and in August, 1870, passed an examination before Judges Robertson and Peters, of the court of appeals, who thereupon admitted him to the bar. For two years thereafter he continued his residence in Athens, coming to Lexington in 1872, since which time he has made this city his home. In the winter of 1872–3 he attended a course of lectures in the law department of the Kentucky University, which institution conferred upon him the degree of Bachelor of Law.

In 1874 Judge Parker became the junior partner in the firm of Morton & Parker, a connection which was continued until the election of the senior partner to the bench of the circuit court. Mr. Parker served as city attorney of Lexington for one term and was master commissioner of the circuit court from 1883 to 1893, when he was elevated to the circuit court bench of the twenty-second judicial circuit of Kentucky. He was elected without opposition to this position in November, 1892, on the Democratic ticket. Since assuming the duties of his office many cases of special interest, under the new constitution, have come before him for trial. He presided at the trial of the case of Wilson versus Johnson, contestants for the office of city treasurer, and was one of the attorneys for O'Brien in one of the most notable murder cases ever heard in this circuit. From the 10th of December, 1890, to the 1st of January, 1893, Judge Parker served as president of the Central Bank, but resigned that position when called to the bench. His official career has been most commendable. In the hands of such judges the individual and state feel that every interest is safe, and that law will be administered with the broadest intelligence and with a keen regard for equity.

On the 5th of March, 1878, Judge Parker was united in marriage to Miss Bettie Burgin, daughter of Tacitus Burgin, a farmer of Fayette county. They have three children: Nellie B., Mary S. and Virginia. Mrs. Parker and her children attend the Central Christian church, of Lexington.

In politics the Judge is a Democrat and is earnest and untiring in the support of his party. He has served as a member of the Democratic county committee, for several years was a member of the school board and for some time was a commissioner of the Eastern Kentucky Lunatic Asylum, serving as president of the board for one year.

EMMETT MICHAEL DICKSON, of Paris, was born in Tipton county, Tennessee, July 21, 1856. His father, the Rev. Joseph A. Dickson, is a minister of the Presbyterian church. He was born in Dickson county, Tennessee, and is a direct descendant of that member of the family who left North Carolina and went to Tennessee in an early day—the first of the name to establish a residence in the latter state. He was of Scotch-Irish ancestry, and his descendants have been prominent factors in the history of Dickson county and the state of Tennessee. The Rev. Joseph A. Dickson is now pastor of the Presbyterian church at Hot Springs, Arkansas. He wedded Mary C. McCain, a native of Tipton county, Tennessee, and a representative of a family that came with the pioneers to the new state from the states of North and South Carolina.

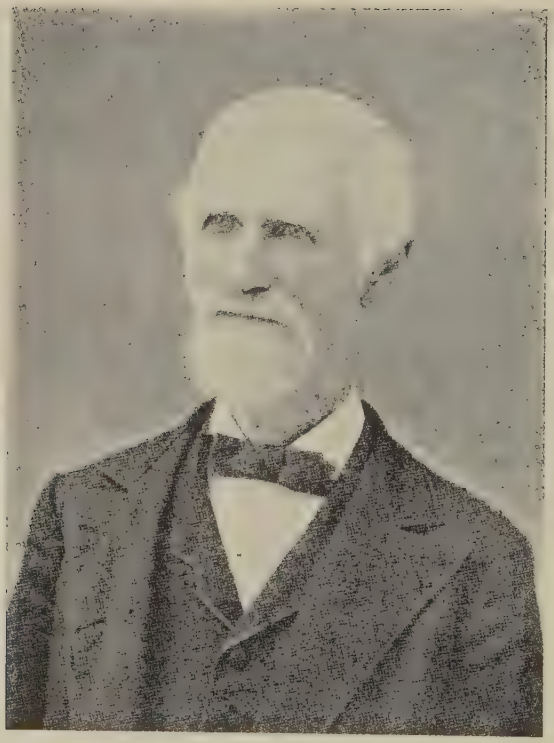
Mr. Dickson, whose name introduces the initial paragraph of this review, was educated at the Kentucky Wesleyan College, of Millersburg, Bourbon county, where he pursued a three-years course, and at Hampden Sidney College, in Prince Edward county, Virginia, being graduated in the latter institution with the class of 1875. A student by nature, with a keenly analytical mind, it was but natural that he should take up the study of law, which he did in the office of his maternal uncle, W. S. McCain, of Little Rock, Arkansas. He was admitted to the bar October 1, 1876, by the court of appeals, at Frankfort, Kentucky, and at once began practice at Paris, Kentucky, where he has since resided. An unfaltering devotion to his chosen calling, careful preparation of every case, logical deductions and clear-cut argument soon indicated his ability and brought to him a large clientage. His practice is comprehensive in its scope, comprising both criminal and civil cases, and he has been retained as counsel, on one side or the other, of all the important litigation in the county for the past ten years. He was one of the attorneys in the Rennick will case, which involved the disposal of over three hundred thousand dollars, the array of legal talent, comprising some of the best in the state, being represented by Hon. J. G. Carlisle, Hon. William Lindsay, Hon. A. H. Ward, C. L. Hathaway, Judge G. B. Nelson, Hon. Joseph C. S. Blackburn, Judge B. F. Buckner, Hon. C. J. Bronston, Judge William M. Beckner and Hon. G. C. Lockhart. This case was one which attracted widespread attention.

On the 3d of June, 1880, Mr. Dickson was united in marriage to Miss Mary Blanton, daughter of Rev. L. H. Blanton, D.D., of Richmond, Kentucky, now chancellor of Central University, and has one child, Lizzette Blanton Dickson.

His interest in civic societies is manifest through his membership in the Odd Fellows lodge and the Masonic fraternity, and of the latter he is master. He is a member of the Presbyterian church.

In his political views Mr. Dickson is a Democrat, and for four years was a member of the state central committee, representing the seventh congressional district. For the past seven years he has been one of the commissioners for the distribution of the educational fund known as the Garth fund of Bourbon county. In the public offices, to which he has been called by his fellow citizens, he has labored for the best interests of the majority, and his comprehensive knowledge of the condition of affairs and the needs of the public has made his services most effective and beneficial. He

has been a member of the city council of Paris and twice a member of the state legislature, during which time he was chairman of the judiciary committee for one term and a member of the committees on judiciary, railroads and taxation both terms. His first service on the judiciary committee immediately followed the adoption of the constitution of 1890 and entailed an immense amount of labor of a very important character. Mr. Dickson was also appointed master commissioner of the circuit court for Bourbon county, in June, 1893. At the bar his career has been most honorable and enviable. He is a man of strong perceptive powers and grasps all the points of a case with a readiness that almost seems intuitive. He is a careful observer and procrastination marks his work in no particular. A pleasant voice and manner add to the effectiveness of his logical arguments and have brought him that success which has placed his name high on the roll of Kentucky's able lawyers. He is now the attorney for the Louisville & Nashville Railroad Company and has charge of all its business in the counties of Bourbon and Nicholas.



James Flanagan.

RECOLLECTIONS OF THE OLDEN TIMES.

DISTINGUISHED MEMBERS OF THE WINCHESTER BAR PRIOR TO 1850.

BY HON. JAMES FLANAGAN.

AMONG the grand old characters that gave tone, elevation and distinction to the Winchester bar in the first half of the present century, may be mentioned Chilton Allan, who was born in Albemarle county, Virginia, April 6, 1786. His father died, and in 1797 he accompanied his mother to Kentucky. He learned the millwright's trade, and during three years' apprenticeship spent his leisure hours in reading and study. He afterward studied law, receiving some assistance from his friend, Judge James Clark, of Winchester. On his admission to the bar, in 1808, he began practice in Winchester, and his success was marked and immediate. He was elected to represent Clark county in the legislature in 1811, and again in 1815, 1822, 1830 and 1842. In 1823, while a member of the lower house, he was elected without opposition to the state senate and served four years. During this period he became a conspicuous figure in the controversy of the "old and new courts;" and one of his speeches was distributed in pamphlet form over the state. In 1831 Mr. Allan was elected to congress, was again chosen for that position in 1833 and 1835, serving as chairman of the committee on territories, and as a member of the committee on foreign affairs. At the end of his last congressional term he desired to retire from the political service, but in 1837 was induced to become president of the state board of internal improvements, which, after one year's incumbency, he resigned. Although appearing but once more in public life, he was greatly interested in the exciting contest over the constitution of 1849, writing several papers in opposition to some of its features, and strongly supporting an independent judiciary. He was a man of broad and well-defined opinions on all subjects, was a lawyer of great ability and a man of rare virtues, with large capacity for affairs, and was both patriotic and honest.

Hon. Samuel Hanson was born in May, 1786, in Alexandria, Virginia, and was reared and educated there. He came to Winchester, Kentucky, in the year 1808 and settled here as a full-fledged lawyer. He was a man of fine appearance and bearing, slightly under six feet in height and inclined somewhat to corpulency. What is rather singular, as a lawyer he was scarcely ever known to make a formal speech in court, though when he did, it was able, adroit, and analytical. His cases were always so thoroughly prepared and the law so perfectly understood and so aptly applied, that he very seldom lost a case. Probably one reason for this was, if he saw the case had no merit he declined to take it. One

peculiar characteristic of the man was his diligent attention to business and untiring labor spent upon the preparation of his cases, which assured his success, not only in the acquisition of business but in the triumph of his cause. He was among the very ablest lawyers in the state. Mr. Hanson was twice married. His first wife was reared in Bourbon county, Kentucky. His second wife was a daughter of General Richard Hickman, of Clark county, a man of influence, who had served as lieutenant-governor. Mr. Hanson died in February, 1858, in Winchester, Kentucky, in the seventy-third year of his age. He was the father of General Roger W. Hanson, Colonel Charles S. Hanson and the Hon. Richard H. Hanson, of Bourbon county. The last named survives all of his other brothers and is enjoying a ripe and honorable old age after having made his mark in the councils of the state.

Richard French was a native of Madison county, Kentucky. On arriving at early manhood and having studied the profession of the law, he chose Winchester as the field of his professional labor. "Dick" French, as he was familiarly called, so far won the confidence and esteem of the public generally that he came to be regarded as the embodiment of honor, integrity and manliness in its noblest form. He had a clear, quick apprehension of men and of the spirit of the times, so that he became very deservedly popular as a lawyer, securing a large patronage. Being disposed to engage in political life, he was first elected to the state legislature and afterward served as a representative in congress from 1835 to 1837, from 1843 to 1845, and from 1847 to 1849. He was an eloquent speaker and an adroit, ready debater. Judge French married a daughter of Hay Taliaferro, a noble specimen of the old Virginia stock. Judge French read law under Hon. Samuel Hanson. He died in 1854, in the sixty-third year of his age.

James Clark, jurist and statesman, was long a prominent and honored citizen of Winchester. Judge James Simpson, chief justice of the court of appeals, state senator in 1861, and circuit judge, resided in Clark county.

Roger W. Hanson, son of Samuel Hanson, represented the county in the legislature from 1853 to 1855. He was one of the brightest and most lovable of men, giving promise of a long life of usefulness. He espoused the cause of the south and died in battle with the rank of brigadier-general. His life and fame have been the theme of many a gathering and his comrades have erected a monument to his memory.

John B. Huston, one of the brightest lawyers of the state, made his home in Winchester until about 1865. He represented Clark county in the legislature in 1855, 1859, 1861 and 1863. He removed to Lexington, where his fame increased and his practice had a large scope. Judges Clark and Simpson and John B. Huston are elsewhere noticed in this volume.

General Richard Hickman, member of the constitutional convention of 1799, lieutenant-governor of the state and acting governor during the absence of Governor Isaac Shelby in the campaign of 1813, was a citizen of Clark county, highly esteemed for his integrity and patriotism.

Colonel William Sudduth, one of the earliest settlers of the county, was a member of the convention of 1799, which framed the second constitution of the state. He was a gallant soldier under Wayne in the

campaign of 1793, and for thirty years was the county surveyor of Clark county. He was a man of education and refinement, with all the accomplishments of a true gentleman. He was the last survivor of the members of the convention of 1799, dying in Bath county, in 1845.

The visiting lawyers who were regular in attendance on the circuit in Clark county included many of the most eminent men of the state. Hon. Garrett Davis, United States senator, Colonel William H. Caperton, Squire Turner, Hon. B. J. Peters, and others formed a galaxy of talent that was rarely equaled and certainly never surpassed in any other section of the state.

JAMES FLANAGAN, of Winchester, Kentucky, who is now gracefully rounding out three-score with a buoyant hope for many more bright and happy years, was born and reared in Clark county, and is one of the oldest native residents of the state. His parents were among the pioneer setlers, living near old Bryant's Station, where his mother used to mold bullets for the citizen-soldiers in the early perilous times. From this honest, intelligent and patriotic ancestry he came, and a long life of varied experience has had no influence to rob him of one iota of his birthright. His two gifted brothers, William and George, were men of prominence in their day.

In his early youth Judge Flanagan was for several years assistant postmaster at Winchester, Kentucky, later was elected magistrate for two terms, and became editor of the Winchester Chronicle. He was admitted to the bar in 1857, when it was composed of such prominent legal practitioners as Huston, Hanson, Simpson, Allan, Downey and others. Mr. Flanagan at once acquired a large and lucrative practice at this famous bar. Loyalty to the interests of his clients and faithful devotion to every trust confided to him were among his characteristics, and his unbounded courtesy and kindness to all, his ever-present and refreshing wit and humor, won for him a distinguished place in an honored circle limited only by his acquaintance.

He was elected by acclamation as city attorney, serving for eight years, and for a similar period was county attorney. In 1865 he was appointed United States district assessor for Clark county, but declined to serve. In November, 1894, he was elected a member of the Kentucky legislature to fill a vacancy caused by the resignation of Hon. William M. Beckner. He has also been a prominent official in the Methodist church and Odd Fellows lodge, being one of the oldest members of Hickman Lodge, No. 72, I. O. O. F.

In 1883, without any knowledge or solicitation on his part, he was appointed by Governor Blackburn circuit judge of the Ashland district, to fill the vacancy caused by the resignation of Judge B. F. Buckner, and discharged the duties of the position with signal fidelity and satisfaction to all concerned for the brief period he held it; though warmly urged by many friends to become a candidate for the full term, he declined, preferring the happiness of his home to the laborious life on the circuit. In 1860 he was most happily married to Miss Susan Wilson, of Mt. Sterling, a niece of Senator Garrett Davis, and a more affectionate and devoted couple has seldom been seen. The hospitality of their home became proverbial and they never seemed happier than when ministering to the pleasure of their countless

friends. Mrs. Flanagan died in 1890, universally loved and esteemed.

Judge Flanagan is a living encyclopedia of local history, and the sparkling wit and humor, as well as the pathos and poetry of his nature, are noted far beyond the confines of his state.

BENJAMIN FORSYTHE BUCKNER, of Winchester, Kentucky, is a native of Illinois, his birth having occurred in the city of Jacksonville, on the 19th of August, 1836.

Histories of Virginia and Kentucky accord to representatives of the Buckner family prominent place in professional, commercial and agricultural circles, and several names have adorned the annals of Kentucky jurisprudence. His father, Aylett Hawes Buckner, was born in Henderson county, Kentucky, and descended from Virginia ancestry. He was a lawyer by profession, and for many years practiced in the courts of Clark county, and during his later years he was clerk of the circuit court. He departed this life in 1867. His mother was Charlotte (Forsythe) Buckner, a daughter of Benjamin Forsythe, a substantial agriculturist of Bourbon county, who also came of an old Virginia family that furnished some loyal members to the patriot army in the war of the Revolution.

Throughout the greater part of his life Judge Buckner has been identified with the courts of Kentucky. When a youth of sixteen he left school and entered upon the duties of deputy in the office of the circuit clerk at Winchester, Kentucky. No bar of the country has furnished to the nation more distinguished and eminent men than Kentucky; and with such illustrious examples as Clay, Marshall, Menefee and others to inspire them it is not strange that many young men of the succeeding generation resolved to enter the forum and test their ability in the arena which called forth the strongest mental ability, the keenest analytical powers and the most brilliant oratory. Familiar with the methods of the courts from early boyhood, it seemed by a natural sequence that Judge Buckner should soon manifest a predilection for the bar. In his leisure hours he began the reading of law under the direction of his father, and in 1856 entered the law department of the Louisville University, where he continued his studies under the preceptorship of Judges Pirtle, Speed and Bullock. In 1857 he was admitted to the bar and at once began practice in Winchester, where he succeeded in winning a liberal clientage, prior to the outbreak of hostilities between the north and the south.

In 1861 he entered the federal army and valiantly defended the Union cause. He was elected major of the Twentieth Kentucky Infantry, on its formation, with which rank he participated in the battle of Shiloh, arriving with Buell's army on the evening of the first day. In the fall of 1861, while in command of a small force of twenty men in Clark county, he succeeded in capturing forty-nine men then on their way to join the Confederate army in the south. He resigned from the service in April, 1863, and, laying aside the insignia and implements of warfare, resumed the practice of law in Winchester and won at the bar a commanding position, his thorough application, careful preparation and clear discernment gaining him that intellectual supremacy which is the key-note to success in the learned professions, where neither birth,

wealth nor influence can purchase or secure advancement.

During the time he has been at the bar, Judge Buckner has been counselor in many interesting and important cases, and has been instrumental in the determination of many important principles of jurisprudence. His argument and brief in the case of Warfield versus Brand (13 Bush, 77) was regarded as extremely able. That case settled important principles in reference to the distinction between the duties of executors and trustees. The point as to when the liabilities of the sureties of the personal representatives ended and the responsibility of the trustee began was determined in that case in accordance with the views urged by him. In Harkness versus Thomas, in the same volume, it was determined for the first time in Kentucky that when the purpose of an express trust was fully accomplished the title of the trustee ceased to exist and the trust was terminated, and the estate revested in the owner without a formal conveyance. His unsuccessful petition for a rehearing in Brady versus Commonwealth (11 Bush, 282) and his argument and brief in Selden versus Preston (11 Bush, 191) were thought by many of the ablest lawyers in the state to contain the true doctrines applicable to those cases, notwithstanding the adverse decision of the appellate court.

In 1865 he was chosen to represent Clark county in the state legislature. In 1870 he removed to Lexington, where he practiced law in partnership with Colonel W. C. P. Breckinridge until 1874, when he was elected judge of the court of common pleas in the district embracing the counties of Bath, Bourbon, Clark, Fayette, Madison, Scott and Woodford. In 1880 he was called to the circuit court bench and served in that capacity until 1883, when he resigned and resumed private practice in law in Louisville. On the bench Judge Buckner acquired an enviable reputation for his judicial ability, his wide knowledge of the law, his promptness and decision in the disposition of cases and the determination of legal questions, and the fair and unbiased conduct of the business of his court. He remained in Louisville until 1896, when he returned to Winchester, gladly welcomed by many old friends of earlier days.

In 1886 the State College of Kentucky, at Lexington, conferred its first honorary degree, that of LL. D., and Judge Buckner was the recipient of that honor.

The public career of such a man as Mr. Buckner is often quite well known, while that of his private life is an unread page. There is, and should be, a degree of what might be termed secrecy attending the sacredness of home relations; yet it is pleasant to learn that the man who in public life has won honors and prominence finds time for the pleasures and companionships of the home and fireside. The Judge is a man of domestic tastes and was happily married March 5, 1863, to Miss Helen B. Martin, daughter of Samuel D. Martin, a prominent farmer of Clark county. They have three children: Elizabeth, wife of S. D. Goff, of Clark county; Sarah M. and B. F. Buckner, junior.

Judge Buckner is a member of the Odd Fellows and Masonic fraternities, and since the reorganization of his political party in Kentucky, in 1866, has been a Democrat. Of late years, however, he has taken no active part in political affairs, giving his entire time to his professional duties; his devotion to his clients' interests is proverbial. His practice has been largely in civil

rather than criminal law, and in cases involving considerable sums of money and intricate questions before the appellate court. He is eminently fitted to entertain comprehensive views of legal science and his high personal character enables him to vindicate the majesty of the law, wherein rests the safeguard of the nation.

JOSEPH THOMAS TUCKER, of Winchester, was born October 31, 1833, in Boston, Massachusetts, a son of Dr. Eben and Hannah White (Hunt) Tucker, also natives of Boston. The father was educated in Harvard University and for many years was a leading physician of his native city. The mother was a direct descendant of Peregrine White, one of the heroic band of Pilgrims who came to America in the Mayflower.

Winchester's future lawyer was reared in his parents' home and acquired his literary education in Yale College, where he was graduated with the class of 1853. He was also graduated in the law department of Transylvania College, of Lexington, Kentucky, in 1854, and since that year has been a resident of Kentucky; at the bar he has won a place that numbers him among its honored leading members. That man's destiny is often affected by seeming trifles is frequently demonstrated. It was purely through accident that Mr. Tucker identified his interests with those of Kentucky. He left Boston to go to Texas, intending there to engage in the practice of his profession; but, while *en route* stopped to visit friends in central Kentucky and was so well pleased with the people and the location that he concluded to remain; he located at Winchester, where he has maintained his residence almost continually since. He was admitted to the bar in 1854 and was actively engaged in practice until 1862, during which time he served as city attorney for two years.

In the second year of the Civil war Mr. Tucker entered the Confederate service as lieutenant-colonel of the Seventh Kentucky Cavalry, of which he later became a colonel and at the close of the war commanded a brigade. His regiment was among the very last to lay down its arms, surrendering at Mount Sterling, Kentucky, May 1, 1865. He was at the time *en route* to join General Joseph E. Johnston, but hearing of that commander's surrender, while at Lynchburg, Virginia, he retraced his steps, and led his command through the mountains of Virginia and Kentucky, and surrendered within fifteen miles of the home of the boys that he had urged to go into the Confederate army. During the struggle his command formed a part of the division of General John H. Morgan, and accompanied that daring and gallant leader in all of his manœuvers. Colonel Tucker was in command of his regiment in the Ohio raid and was captured near Buffington's island, in the Ohio river, in the summer of 1863. He was one of the officers imprisoned at the Columbus (Ohio) penitentiary and was an inmate there at the time of General Morgan's escape, of which he has a vivid recollection, and graphically describes, telling how the cells were dug through and how one of the minor officers impersonated the general while the latter was making his escape through the means of egress they had provided, and how great the excitement was when it was discovered that so important a prisoner had escaped!

Jas T. Lambert

After this event Colonel Tucker was removed to Fort Delaware, and while there was selected with forty-nine other officers for the purpose of being sent to Charleston and placed in the range of the southern guns in retaliation, it was claimed, for the alleged act of the Confederate government in placing federal officers in points of danger while that city was under fire of the Union navy. However, the southern officers were not subjected to this trial, but were confined on a small vessel in the harbor through the month of August, when Colonel Tucker said he "realized what hell was and had been a better man ever since!" An exchange then occurred, with fifty Union officers of equal rank, and our subject again entered the Confederate lines at Charleston and rejoined his command in West Virginia, where it was attached to the division commanded by General John C. Breckinridge. From that time on until the close of the war he participated in a number of important engagements, including those at Bristol, Marion and other points.

After the war Colonel Tucker remained in Georgia until October, 1869, being debarred by the laws of Kentucky from practicing his profession, on account of his participation in the war on the side of the Confederacy. He was engaged in mining in Dahlonega, Georgia, and also prosecuted other business interests during his stay in that state. On returning to Winchester in 1869 he resumed the practice of law, which he has since followed, and his eminent ability led to his election to the state legislature, where he served in 1870–71, being chairman of the committee on revision of statues, also on the code of practice, accomplishing a work of vast interest and advantage to the state. For four years he also served as county attorney, and was one of the ablest and most vigilant the county ever had. His political support is given the Democracy, and he takes an active and commendable interest in the administration of state affairs. He has never sought office, and in the campaigns where he has been a candidate he has never expended money or used other nefarious means to secure support, regarding such methods as detrimental to good government and demoralizing in the extreme. His official honors have therefore come as a testimonial of the confidence and regard his fellow citizens have for him.

In April, 1851, Colonel Tucker married Miss Miriam White Hood, a cousin of Lieutenant-General John B. Hood, of the Confederate army. Her father, Dr. Andrew Hood, and brother, Hon. Thomas Hood, were members of the first constitutional convention of Kentucky and were prominent in forming the constitution and in molding public sentiment. Mr. and Mrs. Tucker have two children: Hood, a civil engineer lately engaged in the construction of a railroad in Jamaica; and Nannie Hood, at home. The colonel is a member of the Protestant Episcopal church. He belongs to the Masonic and Odd Fellows lodges, but is not an active worker in either. He belongs to that class of public-spirited citizens who carefully consider the questions of vital interest to the people at large, and give an intelligent and efficacious support to all enterprises calculated to advance the general welfare. He is a warm friend to the cause of education and is an esteemed and valued member of the bar, having the respect alike of the public and his professional brethren. He is a man decided in his convictions and has the manhood to support and maintain them upon all occasions and under all circum-

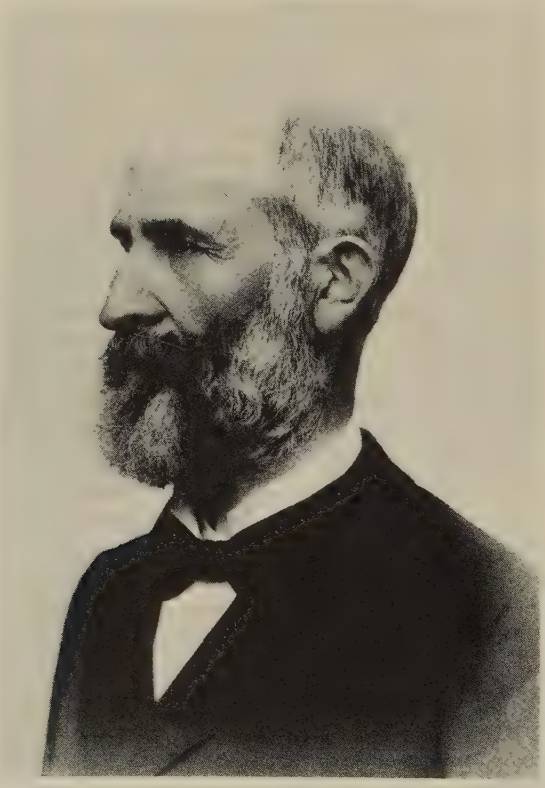
stances. There is never any doubt as to his position on any question that is before the country.

EDWARD STOCKTON JOUETT, of Winchester, was born on the 21st of October, 1863. More than two hundred years have passed since Daniel Jouett, the first of the name in America, landed in New England. In the fall of 1686 he established a home on Narragansett bay in Rhode Island, and in the eighteenth century Matthew Jouett became the founder of the family in the southland, locating in Virginia. John Jouett, a resident of the Old Dominion, served in the patriot army during the war of the Revolution, and in 1786 came to Kentucky, establishing a home in Montgomery county, where E. S. Jouett, father of our subject, was born. Matthew H. Jouett, the famous Kentucky artist, whose works have won a national reputation, was his uncle, and to the same family belonged Admiral Jouett, of the United States Navy. E. S. Jouett was for many years a leading merchant of Clark county. He married Kate Reed, a daughter of Dr. James Reed, a prominent and successful medical practitioner of Winchester, belonging to one of the old and honored pioneer families of Kentucky.

The family name of Edward S. Jouett has, therefore, for many years adorned the pages of history, while the achievements of its representatives have made them leaders in various walks of life. The gentleman whose name introduces the initial paragraph of this review has identified himself with the bar of Kentucky; and his devotion to his profession, his comprehensive knowledge of the science of law and his untiring, indomitable energy, regulated by sound judgment, have borne him steadily forward toward the goal of success. Having pursued his education in the schools of Winchester and Louisville, he entered the University of Virginia in 1880 and gave his time for two years to the mastery of those branches of learning which form the classical course. In 1884 he once more matriculated in that institution, and in 1885 was graduated in the law department with the degree of Bachelor of Law.

Since his admission to the bar in August, 1885, he has been actively engaged in practice in Winchester, and the high character of his legal business indicates the eminent place which he has attained in his chosen vocation. He was elected city attorney of Winchester in 1886, serving for a four-years term, and was then elected county attorney for four years, but before the expiration of that period resigned, in 1893, to accept the office of city judge, to which he was called for a four-years term. No higher testimonial of his ability and the confidence reposed in him by his fellow townsmen could be given than the fact that he has been continuously retained in office for more than a decade.

Since 1890 he has been associated with Judge William M. Beckner in the practice of law, and the firm of Beckner & Jouett is one of the strongest and best known in his section of the state. In many of the most important cases which have come up for trial since his identification with the Winchester bar, Judge Jouett has been retained as counsel, either by the defense or prosecution. As a lawyer he is indefatigable in his studies and researches and is never satisfied until he has exhausted every means of information in the preparation of cases. A pleasing address, a forcible delivery and a winning courtesy to both bench and bar characterize his deportment in the court-room.



W. H. Beaker.

Of the litigation with which he has been connected may be mentioned the Renick will case, involving the disposal of three hundred thousand dollars. In the trial Senators J. G. Carlisle and William Lindsay were associate counsel with him. He was interested in the case of the Day Brothers Lumber Company versus the Parmalee-Eccleston Lumber Company, the suit having been brought in the federal court of North Carolina and by agreement transferred to Cincinnati, where it was argued for eleven days before arbitrators, a judgment of seventeen thousand dollars being obtained for his clients. He was counsel in the case of the Myers administrators versus the Iron Mountain Railroad Company and the Pullman Palace Car Company, which was heard in the United States circuit court, at Little Rock, Arkansas, involving the question of the liability of the railroad and car companies for permitting a maniac to ride at liberty on their lines, whereby other passengers were endangered. The judgment in the United States circuit court was adverse, but on an appeal to the United States court of appeals, at St. Louis, the first judgment was reversed. On a second trial in the circuit court, an award was made in favor of the plaintiff for nineteen thousand dollars, which was affirmed on appeal.

Although one of the younger members of the Winchester bar Mr. Jouett ranks among the ablest. He never enters upon a case until after the most systematic and thorough preparation, and in forceful argument sets forth with great clearness the points in his case, his deductions being logical and his eloquence convincing.

In 1887 Mr. Jouett was united in marriage to Miss Annie Flournoy Ecton, a native of Winchester, and a daughter of W. H. Ecton, a merchant, and a descendant of Smallwood Ecton, a Revolutionary hero, of Virginia. They have two children, Sarah Beverly and Flournoy Jackson.

Mr. Jouett gives his support to the Democratic party and is deeply interested in its growth and success. He is a member of the Delta Psi society, and of the Independent Order of Odd Fellows. He is also a member of the Christian church and has served as a member of its board of deacons for eight years.

WILLIAM MORGAN BECKNER, of Winchester, is a native of Nicholas county, Kentucky, where he was born June 19, 1841. His father, Jacob Locke Beckner, came of a Scotch-Irish stock and was a farmer and merchant. His mother, Nancy West Lancaster, was descended from an aunt of William Penn, and was closely connected with Benjamin West, the artist, and with John Fletcher, the gentle, pious coworker with Wesley in the great Methodist movement. His ancestors were pioneers from Virginia. One of his great-grandmothers lost her husband in the battle of Brandywine, and gathering up her little ones and all her worldly effects, came with some of her kinsmen to find a home in the forests and canebrakes of Kentucky.

The father of the subject of our sketch died when his son was in his sixth year, and through reverses, due in part to his generous efforts to help others and to his over-confidence in those who were bound to him by ties of gratitude, left his family penniless. William M. worked on a farm as soon as he was old enough, and during the winter attended such neighborhood schools as were then to be had in Bath and Fleming coun-

ties. The year 1855 was spent as a clerk in a country store at Bethel, in Bath county. From February, 1856, to July, 1858, he had the advantages of the famous classical seminary taught for so many years at Maysville, Kentucky, by Rand and Richeson. For five months he was a student at Center College, but was too impecunious to finish the course there. For two years he was tutor to two young men at the residence of Seth B. Shackelford, in Mason county. One of these was John R. Proctor, since chief of the geological bureau of Kentucky, and now president of the civil service commission at Washington. He taught school at Orangeburg and Maysville, and read law under the guidance of Judge E. C. Phister, of the latter place.

In January, 1865, he located at Winchester, where he has since resided. In March, 1865, he was elected police judge to fill a vacancy, and from September, 1865, until February, 1866, had charge of the local academy. In the spring of 1866 he reorganized the Democratic party in his county, and conducted the campaign of that year for the local offices that gave it a majority it has since retained. In the winter of 1866–7 he was appointed county attorney to fill a vacancy, and at the August election following was elected without opposition to serve out the term. In 1870 he was nominated by the Democrats without opposition for the position of county judge and elected by a large majority. In 1867 he established the Clark County Democrat, and was for many years identified with its fortunes, using it to create an interest in schools and local improvements. He gave diligent attention to his profession and soon had a lucrative practice.

In 1868 he married Miss Hettie Smith, of Boyle county, who died the following year. In 1872 he married Miss Betsey Taliaferro, of Winchester. Their union has been blessed with six children, four boys and two girls.

In 1880 Judge Beckner was made a member of the prison commission, created by act of the general assembly of that year and charged with the duty of visiting the penitentiaries of the different states and reporting a plan for the management of Kentucky state convicts, and with the location of a new penitentiary, which had become a necessity. He wrote the report of this commission after a careful study of the questions with which it had to deal, and advocated an entire reform of the convict system then in vogue. This report opposed the leasing of the penitentiary and urged the abolition of the lash in the management of its inmates. Its author finally saw his views crystallized into the provisions of the new constitution, which make it forever impossible to treat crime as a subject of barter and sale by the commonwealth. In 1882 he was appointed a member of the railroad commission and served in this capacity for a period of nearly two years, when he resigned, as the duties of the place interfered too seriously with the practice of his profession.

In 1889 the people of Kentucky voted to have a new constitution, and Judge Beckner became a candidate to represent Clark county in the convention which was to meet in September, 1890. His advanced and progressive views had created some opposition on the part of those who preferred to go a slower gait. They succeeded in inducing one of the strongest and most popular men of the county to offer against him, but after a three-months canvass, in which the leading questions likely to be considered by the convention were boldly discussed by Judge

Beckner, his worthy opponent withdrew in his favor, and the subject of our sketch received not only the Democratic nomination, but was also endorsed by the Farmers' Alliance, then quite strong in the county, as well as by Republicans and by the various labor organizations.

Judge Beckner took his wife and younger children with him to Frankfort, and practically abandoned his business and private interests during the eight and a half months that the constitutional convention was in session. He diligently and conscientiously studied each question that was presented, and perhaps had more to do with the framing of the new organic law than any single member of the body. He served on more committees than any of his colleagues, and has left his impress on the debates in a manner that justified the expectations of his friends. His experience and reading as a lawyer, editor, county officer, prison reformer, school agitator and railroad commissioner had prepared him for the important work which he had been so unanimously called to do by the people of his county. He made a vigorous fight for the Agricultural and Mechanical College, and was chiefly instrumental in securing the adoption of a section that does away with the old Virginia land grants, so long a terror to those owning lands in Eastern Kentucky.

In 1892 he would have been nominated and elected a judge of the court of appeals had he not declined to run. In 1893 the people of Clark sent him to the legislature, where, with much other good work done by him, he reformed the law with reference to married women's property rights, after one of the hardest parliamentary struggles ever known in Frankfort. Early in July, 1894, Hon. M. C. Lisle, member of congress for the tenth Kentucky district, died, and Judge Beckner was nominated by the Democrats and elected by the people to succeed him. He served during the short session beginning December 3, 1894, and closing March 4, 1895, and made a most satisfactory representative of his people. No member from Kentucky was ever more attentive to the local business of his district. He introduced the first resolution of sympathy with the Armenians, which was published in all the leading journals of the country with favorable comments. He made a speech on the currency bill as prepared by Hon. John G. Carlisle that was highly complimented by leading men of the house. Mr. McCall, of Massachusetts, had a bill before the committee on elections, of which Judge Beckner was a member, which conferred jurisdiction on the United States courts to hear and determine the question as to who shall sit pending a contest for a seat in the national house of representatives. This would have taken from the states the right to certify the returns from elections of their own officers, as they do now. Judge Beckner opposed the bill vigorously and wrote a masterly report against it. During his service he introduced a bill to equalize the states in the matter of land grants for school purposes, which, if passed, would confer untold blessings on the older states. Beginning with Ohio in 1803, and coming down to California in 1853, each new state had reserved, when admitted into the Union, one section, and from 1853 two sections, of land out of each township for school purposes. The states that originally formed the Union, and the states of Virginia, Kentucky, Tennessee, Maine and West Virginia never had any portion of the public domain for this purpose. In November,

1894, the government owned six hundred and six million acres of land outside of Alaska and the Indian and military reservations. It only required about twenty-eight million acres to equalize the states.

Judge Beckner was not a candidate to succeed himself, but offered to be a candidate in 1896, with every prospect of success, until the silver wave swept over the country. He did not believe in the policy of free and unlimited coinage at the ratio of sixteen to one, and was defeated for the nomination by one vote.

Judge Beckner had been a diligent student of the best literature and has taken an interest in many questions. In 1888 the remains of Joel T. Hart, the famous Kentucky sculptor, which had been brought from Italy at the expense of the state, were reinterred at Frankfort. At the instance of the governor, Judge Beckner delivered an oration which showed a profound knowledge of the questions connected with art. In 1890 he delivered an address at the unveiling of the monument to Luke P. Blackburn, the noble humanitarian and philanthropist, who had done so much whilst governor to reform the penitentiary system of the state. In 1885 he was invited by the Social Science Association of the United States to deliver an address before it at its annual meeting held that year at Saratoga. His subject was "The Educational Situation in the South." He delivered an address before the State Teachers' Association at Hopkinsville, in December, 1882, showing the inadequacy of the provision for popular education in Kentucky. This was published throughout the state and led to an agitation that brought about the state educational convention held at Frankfort, April 5, 1883, of which Judge Beckner was the leading spirit. Under a call which he induced Governor Blackburn to send out, there was an inter-state educational convention held in Louisville, September 20, 1883, which was attended by delegates from twenty-seven states, among them being the celebrated Duke Gwin, of California. Judge Beckner was president of this convention. The new school law of 1883–4 grew out of this movement, and the school fund was more than doubled as one of its results. Judge Beckner has taken part in every movement looking toward the development of his native state, or the reformation of her institutions, placing her in line with the age in which we live. In the city and county where he resides he has led in securing good macadamized roads, three railroads, a graded school and good brick schoolhouses, water-works and other improvements.

In 1887, he sent a memorial to the conference of the Methodist Episcopal church, south, then in session at Winchester, suggesting the removal of the Kentucky Wesleyan College to that city. After a hard struggle to secure the needed funds, which was conducted by him as chairman of the citizens' executive committee, this was accomplished, and Winchester is realizing the advantages of being a college town. He was an ardent friend of federal aid to education, believing that after the government had freed the negroes and added their children to the school rolls, it ought to contribute to the funds to be used for their education. In 1884 he prepared and assisted to distribute fifty thousand copies of an address on this question.

He is a Presbyterian in religion and a Democrat of the Jeffersonian school in politics. No man in the state has been more

industrious or sober, or takes a deeper interest in whatever will bring the greatest good to the greatest number of people. He is in the enjoyment of robust, vigorous health, and apparently has many years of usefulness before him.

J S. HURT, of Mount Sterling, has made for himself a brilliant record in military circles and at the bar of Kentucky as a trial lawyer. He was born in Montgomery county, this state, May 21, 1826, and is a representative of a family that has furnished many loyal sons to the nation when the country has been engaged in war. The Colonel's father, Joshua Hurt, a native of South Carolina and a farmer by occupation, was a soldier in the war of 1812 and participated in the memorable battle of New Orleans. One of his sons, John Hurt, was a captain in Colonel Baker's regiment of Illinois volunteers in the Mexican war and was distinguished for his valiant service at the battle of Cerro Gordo, Mexico. Elisha Hurt entered the Union army during the Civil war, and was captain in the Illinois regiment raised and first commanded by Colonel U. S. Grant. Early in the war he was wounded at the battle of Shiloh, his injuries proving of such a serious nature as to require his discharge. Thus among the heroes of the nation the names of several members of the Hurt family have found enrollment, and the records of their military careers are an account of loyal, patriotic services.

Colonel Hurt's mother bore the maiden name of Elizabeth Pebworth. She was born in Norfolk, Virginia, and was brought to Kentucky in 1803. The family to which she belonged was of English origin; the chain of male representatives has become extinct in America.

Colonel Hurt is indebted to the common schools of Montgomery county for his early education. In 1847 he began to read law under the preceptorship of Hon. Andrew Trumbo, of Bath county, Kentucky, who had been a member of congress and was a leading lawyer of Owingsville. When the country became engaged in war with Mexico, true to the patriotic spirit of his ancestors, he enlisted, he and his brother, William P. Hurt, becoming members of Captain Turpin's company, Colonel McKee's regiment, Second Kentucky Infantry. He saw active service in the battle of Buena Vista, of which he yet retains a vivid recollection. He held Colonel Clay's horse when that brave commander was in consultation with Colonel McKee, just prior to the brilliant final charge, in which the latter gallant soldier fell. Mr. Hurt was near his colonel at the time of his death.

Returning from Mexico to Owingsville, Knetucky, Colonel Hurt was admitted to the bar, but abandoned his practice in 1849 to cross the plains to California, being attracted by the discovery of gold on the Pacific slope. He was among the first to make the long and hazardous trip across "The Plains," being with the thirtieth wagon that reached Sutter's mill. On the 3d of May the party with which he journeyed left Barry, Illinois, and on the 29th of August reached their destination. In 1851 he returned to Owingsville with the earnings of his California trip, amounting to some three thousand dollars, and again began the practice of law. The same year he was elected county attorney, under the constitution of 1850, and held

that position for seven years, having been re-elected in 1854.

Again in 1861 he entered the military service of his country as one of the defenders of the Union, joining the Twenty-fourth Kentucky Volunteer Infantry, of which he was made lieutenant-colonel. In 1863 he was promoted to the rank of colonel and commanded his regiment until the last year of the war, when, on the 21st of January, 1865, he was mustered out. He was with General Buell's command at Shiloh and Perryville, with General Halleck at Corinth, with General Burnside at Knoxville, and also participated in the battles of Resaca, Kenesaw Mountain and the siege of Atlanta. At the battle of Resaca, Georgia, he was in command of the brigade of General Manson, who had been disabled by a shell, the division commander being General J. D. Cox. The brigade charged the enemy's line, and of the eighteen hundred who went forth to the attack five hundred and ninety-two were killed or wounded. The charge, however, was effectual and the brigade succeeded in holding the position until relieved in the evening by the Fourth Corps. At the battle of Knoxville, December 29, 1863, Colonel Hurt's regiment formed a part of Colonel Woolford's division, and was ordered to hold a gorge which commanded the entry into the city. On Armstrong's heights the enemy had a battery of twelve guns and opened fire on his regiment, which became panic-stricken and went on a stampede. Colonel Hurt, taking in the situation at a glance, seized the flag from the color-bearer and ran to the front, rallying his men around the standard, and held the position against the enemy. This prompt decisive action on his part saved the day. He was an able commander, leading instead of ordering his men, and by his own bravery and fearlessness enthusing them and encouraging them to put forth their best efforts.

In 1865 Colonel Hurt again returned to Owingsville and resumed the practice of law, establishing a reputation which classed him among the ablest trial lawyers in the state. He enjoyed a good practice in both civil and criminal cases, the latter including the greater number of *causes celebres* tried in his section of the state. Among these is the case of the Commonwealth versus William N. Smoot for the killing of John Gudgell, in which trial he was associated with General Houston and W. H. Wadsworth for the defense, and succeeded in securing an acquittal of their client. The defendant and his alleged victim were both prominent men, and the killing arose out of political difficulties. Colonel Hurt was associated with General Houston and Hon. H. L. Stone in the case of the Commonwealth versus Adam Frumbo, with W. C. P. Breckinridge and D. B. Lacy as counsel for the defense. He was counsel on the Robert Moore will case, involving the disposal of a large estate; the case of Oliver versus Ewing, a slander suit for thirty thousand dollars damages; in fact he has been connected with most of the important litigation of his district covering a period of thirty years.

He is a most able lawyer, his deductions are logical, his reasoning clear and his arguments follow each other in logical sequence. As a speaker he is forceful and eloquent. In 1883 he was the Democratic candidate for congress in the ninth congressional district, being urged to accept the candidacy by many friends. He has, however, never been an office-seeker, preferring to devote his time and attention to his professional duties.

In 1889 Colonel Hurt removed to Mount Sterling, his health failing him in Owingsville, but since living in the former city he has greatly recuperated. For many years he has been a member of the Christian church.

HENRY REID PREWITT, of Mount Sterling, was born in Montgomery county, Kentucky, on the 2d of June, 1868, and is a representative of two of the most prominent and honored pioneer families of the state. His paternal grandfather, James Prewitt, was born in Fayette county, Virginia, in 1802, and in an early day crossed the mountains into Kentucky, becoming a resident of Montgomery county, where Allen Prewitt, the father of our subject, first opened his eyes to the light of day. Having arrived at man's estate, the latter married Miss Mary Vance Reid, daughter of Henry P. Reid, a leading farmer, whose brother, Newton P. Reid, was judge of the circuit court, while his son, Richard Reid, became a judge of the superior court of Kentucky.

Mr. Prewitt, of the review we are writing, is indebted to the schools of his native city for his early educational privileges, and when he had completed the course therein he became a student in the Kentucky University. He is a man of broad, general information, and the scope of his knowledge proved an excellent foundation on which to rest his legal learning. In 1885, when a young man of seventeen, he went westward, locating in Hill City, Kansas, where he secured a position in a bank. While thus engaged he also took up the study of law and was admitted to the bar of Kansas in September, 1889, the year in which he attained his majority. Then he engaged in general practice, and within a short time built up a good business, and was retained as counsel on some very important cases, in connection with which he established a reputation for legal learning and ability that is justly merited.

Mr. Prewitt was married in 1888 to Miss Keturah Greene, but her death occurred four months later. In October, 1891, he led to the marriage altar Miss L. Anna Atkinson, daughter of Rev. John S. Atkinson, of the Presbyterian church and a resident of Hill City, Kansas, although a native of Pennsylvania. By this marriage was born a daughter, Mary Vance. Mrs. Prewitt died in December, 1893, and Mr. Prewitt soon afterward closed out his business interests in Kansas and returned to Mount Sterling, that his daughter might have the care of her maternal relatives.

Establishing an office in September, 1894, Mr. Prewitt has since been connected with the bar of Mount Sterling, and has rapidly worked his way to a place in its foremost ranks. While in Kansas he was one of the attorneys on the case of the board of county commissioners versus W. B. Van Slyck et al., which involved a question of fees that attracted great attention throughout the state. While in Kansas he was also attorney for the First National Bank of Millbrook, also attorney and vice-president of the Farmers & Merchants' Bank, a position he resigned on coming to Mount Sterling. On the Democratic ticket, he was elected register of deeds of Graham county, notwithstanding the county is strongly Republican—a fact which indicated his personal popularity and the confidence reposed in him. He is a forceful, earnest and convincing speaker. He is connected

with the Masonic fraternity and with the Ancient Order of United Workmen. For many years he has been a member of the Christian church, and in 1896 was elected a deacon of the same.

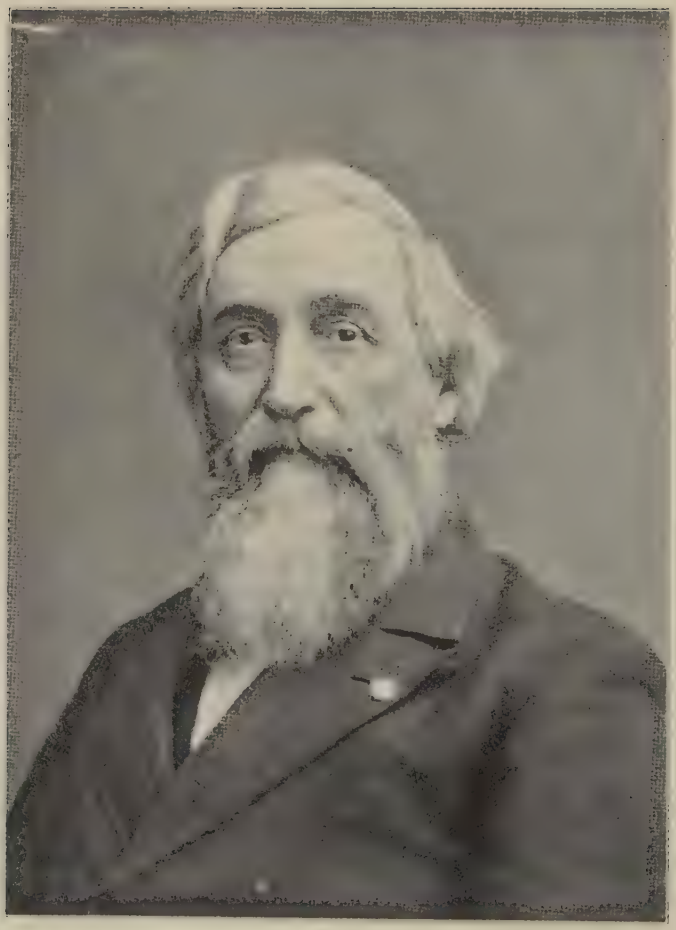
RICHARD APPERSON, of Mount Sterling, was born in Madison county, Kentucky, September 20, 1829. His father, Richard Apperson, was born about 1799, in New Kent county, Virginia, studied law and became one of the leading members of the profession in central Kentucky. In 1838 he was elected to the legislature from Montgomery county, and was re-elected in 1843. He also served as a member of the constitutional convention of 1849, and, after a useful life, died, in 1864.

Richard Apperson, whose name begins this sketch, began his education in Mt. Sterling, whither his father had removed when he was quite young, and afterward pursued a three-years course of study in Center College, of Danville. Studying law under the direction of his able father, he began practice in Covington after his admission to the bar, but soon returned to Mt. Sterling, where he has since been an active and eminent representative of the bar. In 1846 he entered the army and served for one year under General Taylor in the war with Mexico. In 1867 he was elected circuit judge of his district, and held the position six years, but usually avoided political contests of every kind, devoting his entire attention to the duties of his profession, in which he has won distinction on account of his pronounced merit and legal skill. For many years he has served as president of the Exchange Bank of Kentucky, at Mt. Sterling, and has been a chief promoter of other enterprises which have materially advanced the business activity and prosperity of the community.

The Judge was married December 5, 1854, to Miss E. S. Taylor, of Jefferson county, Kentucky, a grand-niece of General Zachary Taylor, and they had five children. For many years he has been a consistent member of the Presbyterian church, and his exemplary Christian life and high character, his integrity, his broad and generous views and his ability as a lawyer have won him prestige in both professional and social circles.

JOHN STUART WILLIAMS, soldier and United States senator, of Mount Sterling, was born in Montgomery county, Kentucky, July 18, 1818. The family is of Welsh origin and was founded in America in colonial days, the ancestry settling on the James river, in Virginia. Raleigh Williams, a soldier in the war of the Revolution, came to Kentucky in 1784 and settled near the present residence of General Williams in Montgomery county. Samuel L. Williams, the General's father, was born in Virginia, was a captain in the war of 1812 and took part in the battle of the river Raisin. He served in the house and senate of the state legislature for twenty-two years and was a general in the state militia. He married Fanny Eluke, a representative of a prominent old Virginia family that came to Kentucky in its pioneer days.

General John S. Williams was educated in Houston Seminary and Miami University, of Oxford, Ohio, and studied law with Thomas Elliott, of Paris, Kentucky, being admitted to the bar at that place in 1841. He engaged in the practice of law



A. J. Wood

there until 1846, when he raised an independent company of infantry for the Mexican war and was associated with the Sixth United States Regiment. He participated in the battle of Cerro Gordo and assaulted the enemy's works, where at least one half of the members of his company were killed or wounded. It was Captain Williams' company which served as the rallying point for the repulsed left wing of the army. They stemmed the tide of retreat and were the real factors in securing the victory. So gallant and courageous was the conduct of Captain Williams during that engagement that he was given the sobriquet of "Cerro Gordo" Williams, which has since clung to him. He was promoted to the colonelcy of the Fourth Kentucky Infantry and did service at the front and in the city of Mexico for eight months.

After his return to the north General Williams practiced law in Paris for a short time, and then removed to his farm in Clark county. He represented Clark and Montgomery counties in the state legislature for two terms and was one of the recognized leaders of the Democratic party, serving as delegate to its national convention and as elector for his district and for the state at large. When the Civil war was inaugurated he entered the Confederate service in command of the Fifth Kentucky Regiment and was commissioned brigadier-general and given command of the department of West Virginia and East Tennessee. His troops formed a part of the command of General Joseph E. Johnston and participated in some of the most important engagements of the Civil war.

When the war ended General Williams returned to his farm in Clark county and was elected to the United States senate, serving for the full term of six years, from 1879 to 1885. He served on the committees on railroads, Indian affairs, patents and agriculture. He introduced a bill in the interests of the farmers whereby cattle might be better protected from disease, and initiated legislation looking to the advancement of such matters. On the expiration of his term he was a candidate for re-election, but was defeated by J. C. S. Blackburn and has since lived in retirement on his farm.

General Williams was married to Miss Ann P. Harrison, a descendant of the Virginian family of that name and nearly related to General William Henry Harrison. Mrs. Williams died in 1844, leaving a daughter, Mary, who married James H. Holloway, of Clark county, state senator for that district. In 1870 General Williams was again married, his second union being with Mrs. Henrietta Hamilton. He attends the Protestant Episcopal church. For forty years he has been a member of the Masonic fraternity, also belongs to the Knights of Pythias lodge and is active in the work of these orders. A valiant soldier, a publicist of merit and a man of high moral worth, General Williams commands uniform regard.

ANDREW T. WOOD is a well-known lawyer of Mount Sterling. Few men now living have taken a more active part in the affairs of state without being office-holders, and few have left a more indelible impression upon the history of Kentucky than Mr. Wood, of Mount Sterling. It was not the representatives and congressmen at Washington, who by constitutional enactment succeeded in formulating the "new south,"—a progressive, enterprising section,

at harmony with the general government and a powerful factor in all the country's prosperity,—but such men as Mr. Wood, who knew and understood the condition of affairs, comprehended the attitude and temperament of the people and saw how they could be brought to a recognition of the fact that their best interests could be secured through an undivided nation. Broad minded, he could look beyond the personal successes of the moment to the glorious possibilities of the future, and he lent his aid and influence to establishing a new order of things in his loved southland. He was a brave man when it required great moral and physical courage to be so; he adhered strictly to principles when personal interests and hope of reward would have led him to follow an opposite course. It required a strong mind and great integrity of purpose to stand for the Republican party in its advocacy of the rights of the freedmen, but from early youth he had supported the cause of human liberty, believing in the right of every individual to labor and enjoy the fruits of his own labor.

After the war he was a bulwark of the Republican party in eastern Kentucky, never wavering in his allegiance during the six trying years which followed the close of hostilities, when many southern communities, his own included, were terrorized by the "Ku-Klux Klans," who threatened to take his life and to burn his home. Society owes much to such men as Mr. Wood, for the present prosperous condition of the south has resulted from their unfaltering loyalty and honesty of purpose. He has ever been actively interested in public affairs and still participates earnestly in every effort to propagate a spirit of patriotism and of loyalty to American institutions.

Major Wood was born in Fleming county, Kentucky, on the 18th of November, 1834, and obtained his education in the common schools adjacent to his home. Farm work and teaming occupied the greater part of his attention until 1860, when he engaged in school-teaching, following that profession until May, 1862. He then responded to his country's call for arms and was appointed a recruiting officer by Governor Robinson and assisted in recruiting the Tenth Regiment of Kentucky Cavalry, United States Volunteers. When the regiment was organized he was commissioned first lieutenant of Company C, and about the close of the war was promoted to the rank of major of the Seventy-first Regiment, Kentucky State Troops, but was never called into active service in that capacity.

When the war was over Major Wood took up his residence in Mt. Sterling, and, borrowing law books from J. S. Drury, began fitting himself for the bar. He pursued his legal education under great disadvantages, but his resolute spirit and determined purpose enabled him to triumph over all obstacles. When Mr. Drury died, in 1868, he arranged to receive further instruction from Hon. Thomas Turner, under whose direction he continued his reading until 1871, when he was admitted to the bar. He has since practiced in the various state and United States courts, his business embracing almost every department of the law. The distinguishing characteristics of his work are industry, carefulness and devotion to any cause he espouses, and they have enabled him to gain a large and lucrative clientage and to win an honorable reputation and fair competence.

Like many another young man of similar talents and opportunities, Major Wood early

turned his attention to state and national politics, and as an ardent Republican he threw himself with all the zeal and energy of youth into the service of that party. He became a favorite at Republican gatherings and has done effective service for his party on the platform. He voted for President Lincoln in 1864, took an active part in the campaign for General Grant in 1868, was the Republican candidate for congress in 1872, and made a thorough canvass of his district, which was composed of twenty-four counties. He was a member of the state central committee for eight years, was the Republican elector for his district in 1876, was a delegate to the Chicago convention in 1880 and is one of the old guard that voted thirty-six times for Grant for a third term. In the campaigns of 1880 and 1884 he warmly espoused the cause of Garfield and of Blaine, and in the campaign of 1888 spent three weeks in canvassing the state of Indiana. He was an important factor in securing the first Republican victory in the state in 1895, and in 1896 was an earnest worker on behalf of Major McKinley in eastern and central Kentucky; has served as city attorney for Mt. Sterling; was honored by his party with the nomination for attorney-general in 1887, and for governor in 1891, and has recently been spoken of in connection with the office of collector of internal revenue, but higher honors awaited him, for he was appointed to a seat in the United States senate by Governor Bradley March 5, 1897, to fill a vacancy caused by the failure of the legislature to elect a successor to Hon. J. C. S. Blackburn, whose term expired March 4, 1897.

THE MASON COUNTY BAR.

MASON was one of the earliest counties of the district of Kentucky, established in 1788 by the legislature of Virginia, and by reason of its situation on the Ohio river it became the natural highway of commerce, one of the first centers of population in the state, and therefore one of the first centers of learning and professional life.

It was the eighth of the nine counties existing when Kentucky assumed statehood, and embraced within its boundaries all that part of the state that is now contained in nineteen counties. Maysville, on the Ohio, was the landing place of all the emigrants coming down the Ohio and seeking homes in the new west. The turnpike road constructed from Maysville to Lexington, one of the oldest in the county, is historical as having been the highway from the Mississippi and the southwest to Washington and to the east, and over its stony course many a noted statesman has wended his way on horseback or in state carriage from his inland home to the capital of the nation and to fame.

Near Maysville, in Mason county, was the site selected by Simon Kenton in 1775, and later, in 1784, for his first and permanent settlement in Kentucky.

General Henry Lee, a native of Virginia and one of the earliest pioneers who settled in Mason county, served in the convention at Danville in 1787, was appointed judge of the quarter-sessions court, and associate judge of Mason circuit court. He was a man of fine attainments, good habits and great application, of large frame and fine personal appearance. He died in 1845, at the age of eighty-nine years.

Alexander Keith Marshall, a son of Colonel Thomas Marshall and brother of John J. Marshall, the chief justice of the United States supreme court, was one of the pioneer lawyers of Mason county.

Judge William McClung, for many years judge of the district and circuit court, was a lawyer of high attainments, but most eminent for his great, unswerving and unimpeachable integrity and clear, unbiased judgment as a presiding officer in the courts. He died while in office as judge, in 1815. He represented Nelson county in the legislature in 1793, and in the senate from 1796 to 1800. His wife was a daughter of Colonel Thomas Marshall. His sons were John A. McClung and Alex. K. McClung.

The former a distinguished scholar, lawyer, orator and divine, was in early life a minister, who began preaching in 1828 and early achieved fame and success, but withdrew from the ministry after a brief period, his religious convictions having been disturbed. In 1830 he wrote and published "Camden," a tale of the south during the Revolution, and in 1832 "Sketches of Western Adventure," both being works of decided merit. In 1833 he began the practice of law, and ranked foremost in his profession for learning, eloquence, logical power

and high integrity. In 1838–39 he was a member of the Kentucky legislature. In 1849 his patient inquiry into his religious belief resulted in his reuniting with his church, and shortly thereafter he resumed his ministerial office and preached the gospel as pastor of the First and Seventh Presbyterian churches in Louisville, for four years at the First church of Indianapolis, and in June, 1857, he became pastor of the Presbyterian church at Maysville. He received urgent calls from leading congregations in Augusta, Georgia, Cincinnati, Ohio, New Orleans, Louisiana, and other places, and was elected president of South Hanover College, of Indiana,—all of which offers he declined. His health failed in 1859, and August 6th, while on a tour of recreation, he met death by accidental drowning in the Niagara river.

He was no ordinary man. His literary labor in early life evinced rare ability. In his career as a lawyer and legislator he evinced the highest qualities of the jurist and statesman, and in his ministration as a servant of God he was a preacher of almost apostolic simplicity and power.

Colonel Alexander D. Orr, Kentucky's first congressman, elected in 1792 and in congress continuously to 1797, was a Virginian, a man of commanding personal appearance, of cultivated mind and polished manners. He erected the first brick house in Mason county and died at Paris, Kentucky, in 1841.

Judge John Coburn was a native of Philadelphia, where he received a liberal education and became a member of the bar. In 1784 he emigrated to Kentucky and located in Lexington, where he remained until about 1794, successfully engaged in mercantile pursuits. In the year 1794 he removed to Mason county and for a time continued in mercantile business, but was district judge and a little later circuit judge, which latter office he filled till 1805. He was appointed by President Jefferson judge of the territory of Michigan, but declined the office. He accepted, however, a similar position for the territory of Orleans and held court at St. Louis. He resigned this office in 1809 and was later appointed collector of revenue for the fourth district of Kentucky by President Madison, and this office he held for several years, being his last public employment. He was a man of many virtues and accomplishments, a writer of great force and intimate with the leading men and politicians of his time. He was a delegate to the Danville convention of 1785. In 1796 he was one of the commissioners appointed to run and settle the boundary line between Virginia and Kentucky, upon which he made an able report. In 1813 he accepted Governor Isaac Shelby's invitation to become a member of his staff in active service. As the friend of Daniel Boone he was instrumental in securing the passage of an act of congress whereby one thousand acres of land was appropriated to the use of that old pioneer. In 1800 he was urged to accept the office of United States senator for Kentucky, but declined to contest the office with his friend, the distinguished John Breckinridge, who was elected. Judge Coburn died in February, 1823.

Judge Elijah C. Phister,—born in Maysville, Kentucky, October 8, 1822,—was graduated at Augusta College, in August, 1840, and studied law with Hon. John Sergeant, of Philadelphia, Pennsylvania, and with Payne and Waller, of Mason county. He began practice in 1844, was mayor of Maysville in 1847–8, circuit judge from 1856 to 1862, representative in the legislature

from 1867 to 1869, and again from 1869 to 1871.

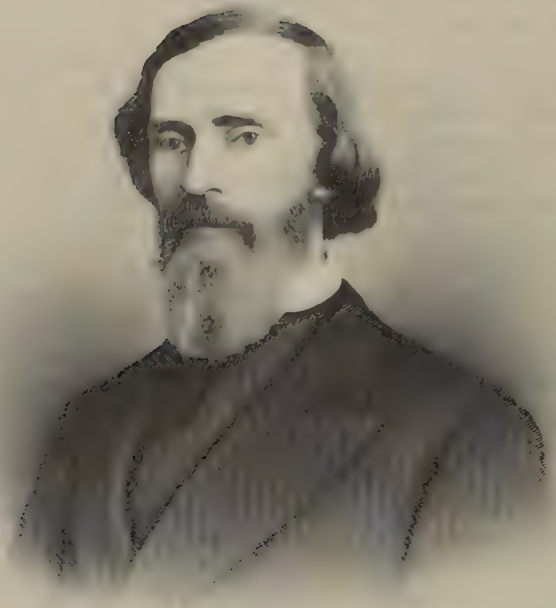
Of a somewhat stern and commanding presence, he was nevertheless popular and successful as an advocate and public speaker; always earnest and eloquent, quick to catch and powerful to present the strong points of his case.

Colonel William H. Wadsworth came to the Maysville bar in 1844, and was successively state senator and congressman and commissioner to Mexico. He was one of the most brilliant men the state has produced. A more extended biography, together with his portrait, appears elsewhere in this volume.

Judge Lewis Collins, county judge of Mason county from 1851 to 1854, was a studious man, of great purity of character and exceptional public spirit, and was the author of a history of Kentucky. He died at Lexington, January 29, 1870. Judge Walker Reid, a lawyer and representative in the house at Frankfort, was for twenty years judge of the circuit court. He was beloved and respected by all men.

Judge Adam Beatty, one of the first judges of the circuit, was born May 10, 1777, at Hagerstown, Maryland, and died on his farm, near Washington, Mason county, in 1858. He was the son of William Beatty, an Englishman by birth, and Mary Grosh, from a New York family of German extraction. They were married in New York and removed to Hagerstown, Maryland, where they reared a family of sixteen children, of whom the eldest, William Beatty, Jr., a captain in the Revolution, was killed at the battle of Camden; another brother was Colonel Cornelius Beatty, of Lexington, who was the first of the family to settle in Kentucky. About 1790 one of the sisters married Colonel Nathaniel Rochester, a merchant of Hagerstown, who later removed to New York state and became the founder of Rochester, New York. The son of this union, William Beatty Rochester, was a law student of Adam Beatty at his office in Maysville, and later became a prominent lawyer of his native city, Rochester, and a candidate for the office of governor of New York state, being opposed by DeWitt Clinton. The family, through its numerous branches, is connected with many men of prominence in all fields of endeavor in a number of states.

Adam Beatty came to Kentucky in 1800 and joined his brother, Cornelius Beatty, at Lexington. He studied law in the office of James Brown there, and became the associate of Henry Clay. A cordial friendship, formed in this early period of their lives, continued until the death of Mr. Clay. Following Mr. Clay's advice, he studiously avoided politics and devoted his entire time and attention to his profession. He was appointed judge of the circuit court August 1, 1811, by Governor Charles Scott, and held that office until November, 1823, when he resigned and retired to his farm, devoting most of his time to the study of agriculture, but taking part in the affairs of the county and retaining his practice at the bar for some years. In 1826 he was elected to the legislature, was twice the Whig candidate for congress, and in 1838–9 was a member of the state senate. He wrote and published a series of essays on practical agriculture in 1844, wrote for publication in the press on political topics, and was a leader in his county. His decisions on the bench were always founded on justice. As a speaker he was clear and satisfactory in argument, but not an orator. He was a



W. H. Wadsworth

man of great energy of both mind and body; of a kindly nature and genial in his intercourse with all men.

In 1804 he was married to Miss Sally Green, daughter of Captain John Green, of Mason county, and had a family which has been a credit to him and to the state of his adoption. Late in life he became a devout member of the Protestant Episcopal church.

Of his sons, William Rochester Beatty succeeded to his practice in 1835, when Judge Adam Beatty retired. He died at the early age of forty-three, after securing a large and lucrative clientage, and left a reputation as a lawyer second to none at the Mason county bar. John Charlton Beatty became a prominent lawyer and sugar planter in Louisiana. Henry Oscar Beatty was a judge in Sacramento, California. William H. Beatty, son of Henry Oscar, is now, 1897, the chief justice of that state. Ormond Beatty became the president of Center College, Danville, Kentucky, which institution he entered as a student at the age of sixteen years. He became a member of the faculty before securing his diploma and continued in the service of his *alma mater*, until he retired, at the age of seventy-five years. Another son, Adam Beatty, Jr., studied law and practiced his profession in Louisiana. He was killed at the head of his regiment in the Confederate army.

Since the organization of the state the circuit bench of Mason county has been occupied by Judges William McClung, Adam Beatty, William P. Roper, Walker Reid, Alvin Duvall, Richard H. Stanton, Landaff Watson Andrews, Elijah C. Phister, and James Paxton Harbeson, who is, in 1897, the incumbent of that office.

Amongst the more prominent practitioners resident at Maysville may be mentioned Harrison Taylor and John Chambers; the first is more fully written of elsewhere; the latter became the governor of Iowa territory. Robert A. Cochran and Thomas Barbour are of a more recent date.

While the bar of Mason county ranks with that of any other in the state, its members vie with each other in maintaining the dignity of the profession and in upholding the hands of law and order.

WILLIAM HENRY WADSWORTH. —The Wadsworth family of this country is derived from an ancient and honorable stock, the pedigree dating from the earliest settlement of New England by the Pilgrims, and the patronymic antedating the conquest of old England by William, the great duke of Normandy. The name Wadsworth is an ancient Anglo-Saxon surname and seems to have originated far back in pre-Norman times. Camden says that "every town, village or hamlet in England and Scotland hath afforded names to families," and Lower informs us that there was a township in Yorkshire by the name of "Wadsworth" where the family of that ilk resided in early times. The name is by no means unfamiliar to the traveler in the north of England at the present day.

It is said that for several generations after the Norman conquest, the Anglo-Saxon race gave but little consideration to surnames, but that when some of them by force of character re-conquered the original status of their family, or *gens*, they recalled the name and pretensions of the great-great-grandsire who fell at Hastings, and boldly asserted for themselves the distinction of a *nom de famille*. The initial sylla-

ble of the name Wadsworth is not suggestive of an "Anglo-Saxon" origin. *Wade* was one of the heroes of Scandinavian mythology and the subject of a mediæval romance. A *wade*, or *wada*, believed to be of Scandinavian origin, is named in Domesday as having been a landholder previous to the great Norman survey. The second syllable, *worth*, is a common termination of family names. A *worth* is an acquired property, and the familiar query, "What is he worth?" in early days meant, "Has he land?" "Has he real property?" The Anglo-Saxon *weorthig* was a farm, a manor, a homestead, or an estate. The passion of the Wadsworth race for possessions o holdings of this sort seems to have persisted in all the ramifications of the American branch; and if the name and the family be really of Scandinavian origin (and this assumption is entirely consistent with the latest theories of the ethnical origin of the English people) the line of descent would serve in some measure to explain the energy, the enthusiasm, the eloquence, and the poetic fire which have been notably manifest in certain American scions of that ancient stock. The ancestors of the American poet, Henry Wadsworth Longfellow, are said to have emigrated from Yorkshire (an early battle-ground of Scandinavian invaders), and the marked preference of the poet for Scandinavian themes and metres might be assumed to betoken a sort of secret affinity of race. He certainly had many of the gifts and much of the peculiar inspiration of the Scandinavian *scald* or bard, and he had very few qualities of any sort that would excite a suspicion of "Anglo-Saxon" origin or descent, or of derivation from a race that, in its earlier or original form, was of a confessedly repulsive type, unspiritual, sensual and swinish; and, mentally, unimaginative, indolent and dull. Longfellow's popularity among the Scandinavian peoples has been attested in many ways, but never more impressively to the writer than when, sailing upon the waters of the North sea, he caught a fleeting glimpse of a gallant Norwegian barque, which bore conspicuously upon its prow the familiar household name, "Longfellow."

Captain Adna Anson Wadsworth, who was deeply marked with the characteristic traits of this fine old English breed, came to Kentucky in the early years of the present century. He was a lineal descendant of William Wadsworth, who came over to New England in the good ship Lyon in 1632. In the same ship came Christopher Wadsworth, a brother of William, and the progenitor of the branch to which the poet Longfellow belongs. Captain Joseph Wadsworth, of "Charter Oak" memory, was a descendant of William, and was the great-great-grandfather of the subject of this sketch.

It is a sturdy English stock, and American history attests that it has lost by transplantation none of the qualities inherent in the race. Students of the doctrine of heredity, resting their conclusions upon careful genealogical researches, inform us that, under certain conditions of social life, the tendency of a family is toward extinction. It easily becomes enervated, devitalized, degenerate and *effete*. But a vigorous and aggressive race seems to resist all corrupting influences, and to strengthen as it multiplies and expands. A small stream soon clogs with the gathering filth; but a deep, broad river is purified as it flows. The history of the Wadsworths exhibits, in a striking way, the vitality of a transplanted stock and the

capacity for survival in a spirited, sagacious and enduring race.

William Henry Wadsworth was born at Maysville, Kentucky, on the 4th of July, 1821, and upon the death of his mother, who did not long survive the birth of her child, was placed in the family of Mr. David Smith, who lived near the city upon the verge of a broad wooded plateau commanding an extended river prospect and overlooking the picturesque little town which nestled at the foot of the high protecting hills. The place and its surroundings left a permanent impression upon his youthful mind, and it was here, in after years, when wealth and honors were flowing upon him, that he erected the beautiful home to which he gave the name "Buffalo Trace," thus permanently marking the trail of the great American bison in its periodical visits to the saline waters at the Lower Blue Licks.

He remained in the family of Mr. Smith until of a suitable age to be sent to school, and was then put under the charge of an excellent scholar who taught a classical school in the western part of the county on a beautiful blue-grass upland known as "Tuckahoe." Here he had as his daily associates the children of the Virginian tobacco-planters who owned and occupied the land for many miles around,—"then, as now, an uncommonly fine rural population." This preliminary schooling was followed by several years of study at the Maysville Seminary, a well-known educational institution of which William Wirt Richeson and Jacob W. Rand were the principals. Among his companions at this school was a little fellow from the other side of the river, who has since filled the world with his military fame,—Ulysses S. Grant,—at that time a member of the family of his uncle, Peter Grant, a prominent citizen of Maysville and one of the most sagacious and enterprising commercial adventurers of his day. The brilliant talents of young Wadsworth and his singular aptitude in study made a profound impression upon the youthful Grant, and years afterward, in his headquarters at Milliken's Bend, he spoke of him to a distinguished visitor from Kentucky "in terms of unstinted praise and the warmest admiration." It was at this school that Mr. Wadsworth laid the foundation of that mental training which served him so well in the struggles of his professional life. His collegiate education was obtained at Augusta College, then under the presidency of the famous Bishop Bascom, with a competent faculty and a large attendance of pupils. At the close of his collegiate career, he returned to Maysville, and, after a brief experience of commercial life under James Clarke, a shrewd and successful merchant, he entered the law office of Payne & Waller, and, having devoted months of patient and systematic application to legal study, passed a highly creditable examination, received his license to practice, and at once took a position in the front ranks of a brilliant and able bar.

In 1853 he became, after urgent solicitation, the candidate of the Whigs of Mason county and of Lewis, for the upper house of the state legislature, and made a canvas of the senatorial district, which for brilliancy and effectiveness has never been exceeded in the state. He swept all opposition before him, and, though still in his political novitiate, not only polled the full strength of his own party but also drew heavily upon the ranks of the opposition. For the first time probably in the history of the county, there were serious political defections in the ranks of the indomitable Democracy of

"Tuckahoe." During his senatorial term of four years, the young member from Mason and Lewis addressed the senate on a number of important questions, and always with decisive effect, as the records of those memorable sessions abundantly attest. Not only were reluctant senators convinced by the argument, but crowded audiences were entranced by the insinuating power and grace of his flowing and limpid speech. It is needless to say that his legislative career was eminently successful in its results, and that his labors during those famous sessions left a permanent impress upon the legislation of the state. The act of March 10, 1856,—the so-called "fraudulent preference" act,—is still known to the profession of northeastern Kentucky as the Wadsworth law. The act of February 14, 1856, reserving the power to amend or repeal charters or other laws, grew out of the decision of the Dartmouth College case (4 Wheaton) and was suggested by the opinion of Justice Story in that case. (*Vide* Wales versus Stetson, Supreme Court of Massachusetts.)

In the year 1860, when momentous political exigencies brought only men of acknowledged capacity for leadership to the front, Mr. Wadsworth was selected by the Bell and Everett, or the Conservative and Constitutional, party, as their candidate for elector from the state at large; and it was universally conceded that the canvass which he then made, so far from falling short of the sanguine expectations of his friends, added immensely to his reputation as a political leader, powerfully stimulated the development of national sentiment in the state, and contributed no little to the decisiveness of the electoral result.

In May, 1861, the Nationalists or Union Men, of the Maysville district, through their representatives at the Grayson convention, gave him the nomination for congress without a dissenting voice. His competitor in the race was John S. Williams, an active and energetic politician, with no little power as a popular orator, who had been conspicuous for personal gallantry in the Mexican war, and, by reason of this military prestige and his proved adroitness and daring as a political leader, was a sort of a Roderick Dhu among the wild clansmen of eastern Kentucky. But the bold chieftain from Montgomery found in Wadsworth a foeman worthy of his steel, and, after a number of fiery encounters upon the hustings, peremptorily declined any further participation in a joint debate. The resulting popular verdict may partly explain the precipitancy of this act. The majority of Mr. Wadsworth in the congressional district was more than eight thousand. His native county gave him a majority of fifteen hundred in a vote of twenty-five hundred. In Colonel Williams' own county the Union majority was large. It was certainly an astounding result.

The famous order for the introduction of federal arms into the state of Kentucky, which was issued during Mr. Wadsworth's first term in congress, must be largely credited to his personal influence with the secretary of war, and was promptly executed as the result of pre-arrangement with personal friends, who were prominent and influential citizens at home. The guns, with ample supplies of ammunition, were shipped, under orders from the war department, to the committee at Maysville, Kentucky, which was charged with their distribution among the Union men of the state. The committee who assumed the responsibility of the introduction and distribution of these arms

were citizens of Kentucky and stanch supporters of Colonel Wadsworth and his cause, —Dr. John Marshall Duke, Thomas J. Pickett and Hamilton Gray,—gentlemen whose names are still familiar and honored in the community in which they lived. The final distribution was made at Lexington and other points in the interior counties, by Colonel Thomas E. Bramlette, afterward governor of the commonwealth, and Colonel Speed Smith Fry, who earned brilliant distinction in the early battles of the war. This bold and decisive measure, whatever its merits from a constitutional point of view, had a marked effect upon the military situation, and, naturally, a determining influence upon the political attitude of the state. The lines were at once drawn, and doubt and hesitation and demur no longer vexed the councils of the contending camps. Thousands of gallant young Kentuckians—soldiers to the manner born—cast their fortunes with the southern confederacy, and tens of thousands rallied to the support of the national flag.

Colonel Wadsworth was re-elected to congress as a conservative Union man in 1863. During his entire congressional career he was a stanch and able exponent of the ideas and interests which he had been selected to represent, and in combating the measures of the extreme or radical element of the dominant party he stood, like another Vergniaud, assailing with his powerful and vivid oratory the measures devised by the more audacious members of the party for a sweeping overthrow of constitutional rights. The advocates of conservative measures in politics may not always arrest a radical movement, but they may at least help to change its direction, to check its precipitancy, and in a measure to moderate its destructive force. However unpromising the prospect, this was the political function that conservatives of the Crittenden school were expected to discharge; and it is mainly to this policy of prudence, expectancy and procrastination that we owe the successful measures of reconstruction which followed the war. Mr. Wadsworth was always able and conspicuous in these parliamentary conflicts, and established a reputation for political leadership which is infallibly secure of recognition in the parliamentary histories of the time.

Upon the advent of the period of reconstruction, Mr. Wadsworth resumed the practice of the law, though by no means indifferent to the political movements of the day, or to the measures of reconstruction which the dominant party had in view. In 1868 he canvassed several of the northern states in support of the candidacy of his old schoolfellow, General Grant, and made a number of speeches which were reported in full and widely circulated among the intelligent voting populations of the east.

After the election of General Grant, Mr. Wadsworth was offered the mission to Austria, but for reasons of a private and personal character he was constrained to decline the proffered distinction. A position was soon found, however, which the president almost obliged him to accept. A commission had been constituted for the adjustment of claims between this country and Mexico. Questions involving millions of dollars were referred to this commission for adjudication, and it was inevitable that a suspicion of corruption would attach to its decisions unless the government were represented by a commissioner whose professional capacity was beyond question and whose personal character was above re-

proach. In response to an earnest appeal from President Grant, Mr. Wadsworth accepted a place upon the commission, and how admirably he discharged its arduous and responsible duties is but too well known for recapitulation here. He returned to Kentucky at the close of his labors with a clear conscience, a brilliant reputation, deranged finances and impaired health. Marcellus in exile had not more reason to be content.

In 1884 Mr. Wadsworth was again elected to congress from the Maysville district, then largely Democratic. In spite of his Republican affiliations, he was peculiarly acceptable to that bold and independent constituency by reason of his liberal sentiments, his high character, his broad intelligence, and his eminent capacity for practical affairs. Among his supporters in this canvass were more than a thousand prominent Democrats, and many of these had followed with unflinching devotion the varying fortunes of the Confederate flag. Even in the midst of that deadly struggle they had always known him as an honorable foeman and a true friend.

At the close of his congressional term Mr. Wadsworth again directed his attention to the practice of the law, and with a degree of success that excited apprehension in his brethren at the bar,—one desperate practitioner boldly affirming that there could be no success for others unless Mr. Wadsworth were peremptorily "disbarred." There was no case of importance in the courts of northeastern Kentucky in which the name of Wadsworth failed to appear. In January, 1887, shortly after the completion of the Chesapeake & Ohio Railway, he became, in connection with his son and partner, W. H. Wadsworth, Jr., the general counsel of the road, and exhibited in the discharge of his new duties the same learning, the same acumen, the same skill that he had carried into other branches or departments of practical law.

Mr. Wadsworth, though not a pedant or a martinet, had an exalted conception of the character and functions of his guild. No man was more ready to concede the possession of merit to a professional *confrere;* no one so prompt to condemn pretension where no merit was found to exist. He once said, speaking of a distinguished member of the bar: "Mr. H—— is one of the greatest lawyers I ever knew. I once differed with an accomplished colleague in regard to a very difficult and perplexing point of law. We agreed to refer the question to Mr. H——, and he decided it to our mutual satisfaction at once." It was a rare eulogist that could trim up praises with a more princely tongue; and yet, at times, when pushed into discourtesy by ambitious pretension and conceit, he was swift and merciless to condemn. A gentleman of undeniable distinction as a provincial lawyer aspired to a seat upon the supreme bench of the United States, and wrote to Mr. Wadsworth soliciting an "endorsement of his claims." The response was characteristic and prompt. He declined to give the "endorsement" on the ground that the aspirant was unfit. A mousing and mercenary "attorney" he held in unspeakable contempt.

In tracing the career of this able and distinguished man, one cannot fail to be impressed with the effect of race and environment in molding his character, in forming his opinions, and in directing the course of his life. His physical characteristics were those of the finest and highest type of the English race, before its intimate comming-

ling or fusion with the ruder elements of that composite stock had made it bovine and robustious (or, as Hawthorne says, "beefy") without adding to its activity, its endurance, its alertness, its physical aptitudes or its effective strength. His features were of that high-bred English cast so familiar in portraits that have come down to us from the Elizabethan period—features most admirably depicted in John Faeds' famous painting of Shakespeare and his Friends. With an appearance of great delicacy and refinement in his physical organization, he was remarkable, in his early and middle life, for a steel-like strength and elasticity of frame that promptly responded to every demand of his eager and energetic mind. In mingling from his childhood with the Virginians of Tuckahoe, he mingled with men of congenial English blood—still Yorkshiremen in blood and speech—men who loved the sports of the field, who bred and trained the horse, who fired the rifle and followed the hound; who read Shakespeare at their family firesides, and closed their long evenings with selections from that beautiful translation of the Scriptures which had descended to them from their English sires. The system of slave labor then existing in Kentucky (the mildest and certainly the least odious known to modern civilization) brought abundant leisure with ample opportunity for the cultivation of intellectual tastes. Every homestead had its library, well stocked with English classics, and there was diffused through the entire community the traditional culture of the English and the Anglo-Virginian race. The ambitious young scholar of that day breathed the atmosphere of rural life as it was in the spacious times of Queen Elizabeth, in the daintier days of Queen Anne, and in the rollicking epoch of the Hanoverian kings. He not only drew knowledge and inspiration from the great writers of the English race, but was molded in a great measure by the conditions and circumstances of his daily existence. The traditions told and retold at country firesides were deeply impressed upon his plastic mind—traditions of family and social life; of colonial and border warfare; of stirring "Night-hawk" days; of exciting political conflicts; of thrilling forensic triumphs; of romantic personal adventures; of tragic episodes, of gallant exploits, of deadly feuds; of disastrous battles, of domestic discords, and distant wars. Personal reminiscences of absorbing interest were poured into his eager and attentive ear by incomparable *raconteurs* who had themselves been trained in the exacting school of experience, and had achieved merited distinction in the public service at home and abroad. Such an environment would vivify the dormant brain-cells of the dullest child.

Nor was the young Wadsworth wholly dependent on the desultory and unsystematic training of his social *milieu*. The scholarly classicism which breathed through the forensic efforts of his later years was infused into his spirit from his earliest days at the old-field school upon Tuckahoe. In that golden period of southern life there was not to be found a more enthusiastic devotee of the Latin classics than the Scottish dominie or the Calvinistic divine. This love of classical learning was deepened and confirmed in the young scholar when he came under the influence of William Wirt Richeson, the accomplished master of Rosemont, a teacher of Virginian blood and training who was equally at home with Horace upon the Apulian mountains or with young Henry, gun in hand, upon the rugged hills of Kinni-

conick. To the last moment of his life this genial Orbilius recalled with the keenest satisfaction and delight the apt quotation of his pupil as they sat by the evening campfire among the wooded hills,—

"Manet sub Jove frigido,
Venator tenerae conjugis immemor."

A passionate love of the ancient classics accompanied this modest provincial scholar throughout his active and busy career, even surviving his early contact with the plodding routine of commercial life, the distractions of politics, and the ceaseless vexations of the law,—elevating the plane of his social existence, imparting an air of dignity to his daily pursuits, and illuminating with magical tints the ancient texts and interpretations of the law. This taste was with him always. It touched everything, and "touched nothing that it did not adorn." The wearied huntsman by his midnight fire; the hospitable host sauntering in friendly converse through his beautiful grounds; the daring prosecutor arraigning public infamies in the courts; the bereaved friend dwelling in tender eulogy upon the dead; indeed, we might say, in all the varied phases of a busy career, he found speech and inspiration in the Latin classics and drank with undiminished delight from the Bandusian fountains of his youth. With the possible exception of that superb advocate, John Rowan, there was no citizen of the commonwealth whose spirit was more profoundly steeped in classical lore.

Mr. Hamlin Garland, in his admirable biographical sketch of General Grant during the period of his pupilage at the grammar school then taught at Maysville, pleasantly describes the bustling little city which, incorporated in the closing years of the last century, was now in its municipal prime,—"with its quaint old houses of English type," its crowded wharves and thoroughfares, its throngs of busy traffickers, the great steamboats receiving and discharging freight, and the ponderous canvas-covered wagons toiling toward the hill-top with miscellaneous supplies for the markets of the interior and the far south,—an historic gateway of commercial intercourse planted solidly at the base of a crescentic range of hills in a long picturesque sweep of "the beautiful river." A charming and attractive place for a spirited, ambitious boy, with advantages for mental training seldom enjoyed in that early day; a school conducted by "a college-bred man of liberal tastes," peculiar and original methods of instruction, a debating society proudly flourishing a Greek name and a Latin motto, and boldly grappling with questions that have staggered the greatest minds, and, above all, boyish sports galore,—boating upon the broad river and swimming and fishing during the long vacation days of summer, and, in the stiff, snowy, old-fashioned winters, a gay and brilliant season of skating upon the boundless fields of ice, with weeks of unequaled coasting upon the broad, smooth roads winding down from the summits of the encircling hills. The opportunities here presented for intellectual and physical culture may challenge comparison with the best that are offered in these decadent days. The Harvard professor was but discriminating and just when he declared in his book upon Kentucky that Mason county, of which Maysville is the principal town, "became the best schooled county in the state."—*Kentucky: By N. S. Shaler, 1885.*

It was a violent transition in the career of young Wadsworth when he was transferred from the pastoral quietude of the

country, with its primitive simplicities of life, to the scenes of bustling activity presented by the old frontier town. Away back in the thrifty "thirties" it was thickly peopled with traders from the populous settlements of the east, chiefly from New Jersey and Pennsylvania,* adventurers whose driving energy and capacity for "initiative" wrought in a few years a surprising change in the aspect of the busy riparian town. They projected public improvements upon a large scale and shrank from no labor or expense that would beautify the surroundings or advance the prosperity of the place; constructing substantial walls along the river front to stay the encroaching floods; capacious culverts of stone to utilize for drainage the dashing streamlets from the hills; broad-graded ascents from low-water mark to the level of the well-paved streets; and solid extensions of these public avenues by carefully-graded ascents (or "fills") to the habitations on the terraced hillsides. But the most important of these public works was the famous "Maysville road," which, following for many miles the primeval route of the buffalo and the Indian brave, penetrating into the very heart of the commonwealth and opening commercial communication with the cities of the south, is to this day the admiration of the æsthetic tourist and the practical engineer.

It became almost notorious in our political history during the administration of Jackson, and no discussion of public questions have been more vehement or fierce than those devoted to the consideration of the Maysville road. In one of Mr. Webster's speeches, favoring a congressional appropriation to the enterprise, he said: "Fellow Citizens: I am in favor of all roads except—" and here no exception occurred until Mr. Otis suggested, and Mr. Webster deliberately repeated—"*except the road to ruin!*" In spite of the Jacksonian veto and the lost appropriation, the road was carried to completion by the enlightened enterprise of private citizens, and will remain an enduring monument to the memory of the men who built it.

The intellectual activity of these daring and versatile adventurers was manifested in many ways, and notably in their early agitation of questions relating to the subject of slavery. The era of aggressive abolitionism had just begun, and it was in Mason county that the irrepressible conflict opened upon the border. Even families were divided upon this question of the hour. One of the Grants—the father of Ulysses—was the founder of a local abolition society; and another, his uncle—the indomitable Peter—was a commercial "monopolist" and an owner of slaves. The southern terminus of the "underground railway" was at Ripley, but a few miles below, and was distinctly visible from the wooded hilltops upon the northern boundary of Tuckahoe. Its agents or "emissaries" were personally familiar with the servile population of the county, and were secretly and incessantly soliciting business for their subterranean road; and doubtless more freight was annually shipped from Mason county to Canada over this continental route than from any of the so-called Cotton states. The slaveholders bore with singular patience this ceaseless and systematic invasion of their constitutional rights, and, in spite of frequent losses suffered in this way, seemed to have had no apprehension as to the stability and permanence of

* Among the early settlers of Mason county there were not more than three families from New England. (*W. D. Hixson*).

the "institution" itself. The war of liberation had actually begun before they fully realized that slavery was doomed. They had believed its constitutional and legal basis to be as secure as the bases of the eternal hills. It was the pursuit, the recovery and the attempted rescue of the slaves of a Mason county planter that, long before the collision of 1861, nearly precipitated a conflict of arms within the bounds of a northern commonwealth between the national authorities and the government of the state; and yet the news of the Oberlin rescue excited no apprehension among the slaveholders of the county,—simply amazement, anger and unmitigated disgust. These sentiments were shared in full by the thrifty burghers of "Limestone."* "Abolitionism" was detrimental to their material interests, in conflict with their social prejudices, and highly offensive to their personal tastes; and it is an interesting circumstance, in connection with the agitation of the slavery question in this community, that the most ardent advocates of gradual emancipation in Kentucky were the slaveholding Whigs of the county of Mason, who, in 1849, publicly resolved that "no earthly combination could forever chain Kentucky to the car of Slavery." When Cassius M. Clay delivered his memorable anti-slavery address at Maysville in 1849—one of the boldest and most effective efforts of his life—the court-house was packed to its utmost capacity and the audience was profoundly moved by the power and eloquence of the speech. At this time "Mason county," as Mr. Clay afterward remarked, "was one of the most advanced in liberal sentiment in all Kentucky,"—certainly a remarkable circumstance in a magnificent blue-grass county, peopled by a Virginian stock and yielding the greatest variety of products to the labor of thousands of slaves.

But it is certain that the aggressiveness of early abolitionism had produced a reactionary effect, and, even to the broad commercial mind of that epoch, the "underground railroad" was something more than an odious and incendiary figure of speech. Its operations were of a character to encourage the popular preference for turnpike roads and to strengthen the general conviction that "the road to ruin," stigmatized by Mr. Webster, was beyond all question a subterranean route. It is not difficult to understand the effect of such an agitation upon the mind of a young Kentuckian of classical education, of disciplined faculties, of generous sentiments, of liberal views, and of sound English instincts regulated by an inherited Puritan drill.

The Maysville of that period was preeminently a city of shop-keepers,—men of the finest intelligence and of peculiar versatility in practical affairs, and, as it was not till many years afterward that the old commercial city became the county seat, it had not at this time enjoyed the advantages which in a southern county that distinction implies in a political and social way. It was thoroughly, intensely, and most intelligently commercial in all its habitudes, ideas and tastes; and this was the incomparable school of practical instruction to which our young classical student was introduced when he sought to be trained in the various and complicated methods of commercial life; and we may easily imagine that, coming as he did from a social and scholastic environment that was wholly different, he was

*The early name of Mayville: Here begins the blue-limestone formation which is the geological basis of the famous Blue-grass region.

scarcely less embarrassed in making his *debut* than a young Macgregor would have been by an introduction to the canny weavers of Glasgow in the days of Rob Roy. But here was a school that trained him in the practical virtues of patience and order and punctuality, in the arts of the accountant, in the methods of the financier, in the knowledge of material products and in all the precious secrets of commercial exchange; and these were the lessons which gave him his unsurpassed practical equipment as a counselor at law and which made him so formidable and effective an advocate at the bar in later years. The cleverest accountant or expert could teach him nothing in the art of wresting the desiderated secret from a "set of books." And this special knowledge has always given him a peculiar advantage in cases involving the adjustment of confused or complicated accounts and in the discussion and settlement of matters involving questions or principles of commercial law.

But it is for his gifts in forensic oratory that Mr. Wadsworth is popularly remembered, and it is chiefly upon these endowments that his reputation will rest. To convey any clear conception of the character of these gifts or to leave any adequate impression of his appearance and manner and style, as a pleader at the bar, one must have had the same experience as an advocate, and possess the same extraordinary gifts of speech. Such a requirement it would be impossible to satisfy, since Mr. Wadsworth's oratorical gift was in a strict and literal sense *peculiar*; it was the *peculium* bestowed by nature upon a favorite child. The writer is the more disposed to insist upon this, that he has had the good fortune to hear many eloquent and accomplished speakers at home and abroad—orators of transcendent power upon the hustings, in the pulpit, and in the courts; but he has never recognized in any the combination of peculiar gifts which made the subject of this sketch, in his day and generation and in the circumstances and conditions of his career, a pleader of exceptional power and brilliancy at the bar. The rhetorical expression of his thought was certainly peculiar—that idiosyncratic form of speech which is really style. "The style is the man," says Buffon. The philosopher Cousin, expanding the famous aphorism, acutely remarks, "*Le style n'est rien que l'expression de la pensee et du caractere; quiconque pense petitement et sent mollement n'aura jamais de style.*" Accepting the propriety of this conception of style, and speaking from the philosopher's point of view, one may confidently assert that there was not the slightest suggestion or suspicion of meanness, or feebleness, or narrowness, or triviality, or commonplaceness in the manner, form or substance of Mr. Wadsworth's habitual speech. There was excellent taste in the selection of the words and perfect simplicity in the arrangement. Nothing was lacking to give perspicuity, propriety, and elegance to the expression of the thought. In this respect his style was not peculiar; but there was a certain spirit, vividness, and point—a characteristic color and tone not detectable in any other artist in words. Like the celebrated Opie, who was similarly gifted in another art, "He mixed his colors with brains." His varied and solid learning furnished ample material for illumining and impressing the utterance of his thought.

His person and manner were exceedingly attractive. Slightly above the medium

height; erect, slender and graceful, with an air of courteous and instinctive deference in his manner that inspired with a sense of dignity and responsibility the humblest court that listened to his voice. The narrow dimensions of the magistrate's chamber seemed to expand as the grave and decorous advocate bowed his head to the majesty of the law embodied in a Bœotian jury and an Arcadian "Squire." Even the dullest Dogberry was momentarily awed into dignity and sense. The careless and the flippant were lifted above the trivialities of life, and every listener was impressed by the gravity of the occasion and the importance of the issue involved in the case. The very manner of the advocate was a powerful and impressive appeal to the conscience, the thoughtfulness, the intelligence, the sense of dignity, and the self-respect of the audience, the jury, and the court. It was likewise a fit introduction to the weightier matters of the plea. "We philosophize," says the Seigneur de Montaigne, quoting with approval an ancient sage, "with only a few." But Mr. Wadsworth philosophized with all. He had not, indeed, taken all knowledge for his province, but he drew from every province the varied elements of his thought, and practiced in perfection the happy art of simplifying all that he knew. He possessed in a high degree the rare faculty originally attributed to the historian Tacitus, of applying the science of philosophy to the study of facts; and when brought before a jury of plain citizens to prosecute crime, or to plead for liberty or life, so far from perplexing their untutored faculties with labored theories or thoughts beyond the reaches of their ken, he brought his mind directly in contact with theirs, and by varied and familiar illustrations, clothed in language of alluring charm, led them to comprehend with perfect clearness the application of every principle and the interpretation of every fact. Subtle, sympathetic, learned, patient, practiced and precise, he realized as a legal advocate all that is implied in the Baconian conception of the scholar who is at once full, ready and exact. Very much of his force and effectiveness as a pleader proceeded directly from his remarkable capacity for co-ordinating, so to speak, the conclusive elements of his plea, and of driving with cumulative force to one decisive and inevitable result.

This capacity for the felicitous exposition of legal theories and principles and for the disentanglement of confused and complicated statements of fact, was very greatly strengthened and improved by his passion for investigating the results of modern scientific research. Whether it was an elaborate philosophical argument by Herbert Spencer, or a luminous and suggestive disquisition by Sir Henry Maine, or an ingenious and conclusive bit of experimentation by Pasteur, he made himself thoroughly familiar with the details, and unconsciously adopted the same infallible methods in the classification of his facts, in the development of his principles, and in the argumentative presentation of his case. And herein lay much of his strength. His philosophic insight into original principles and his passion for analytical investigation in all questions of law, furnishes, or at least suggests, an explanation of his remarkable success in impressing the judicial mind in his practice before the higher courts. No one was more skillful in detecting and exposing the fallacy, in a given case, of an assumed or asserted parallelism with established precedents, or in deducing from a given statement of facts, to

the satisfaction of the court, the precise principle upon which a judicial decision should rest. Such results, however, generally imply superior capacity in the presiding judge, and it is perhaps not often that a jurist of learning and discrimination will consent to render his decision in the exact language of an incompetent pleader's brief. Such a compliment from the appellate bench is paid only to a pleader of surpassing power. Nothing was more remarkable in Mr. Wadsworth than the perpetual activity of his mind. Unlike the divine dreamer of Norwich (whom in many respects he much resembled), he did not love to lose himself in a mystery. He sought rather to solve the mystery, and, if a legal one, to "wind into it" with a serpent-like subtlety, and to penetrate with infallible instinct, through misty records and muddled traditions, to the potential germs of ancient usage and customary law.

The physical gifts which contributed most powerfully to the effect of Mr. Wadsworth's oratory were his voice and his eyes; the voice of peculiar and pleasing *timbre*, clear, strong and flexible, and susceptible of varied intonations; in certain passages, stern, vibrant and penetrating; in others, as soft, insinuating and persuasive as Salvini's when impersonating the Moor before the council of Venice; speaking at times with a sort of tempered vehemence, and again rising, as the passion swept him onward, to a tone of savage invective scarcely less moving than the *saeva indignatio* of Swift; the marvelously trained voice sinking at the close, and passing by slow, impressive gradation to "the silence of Night and of Death,"—to a silence so significant and searching that one might almost say, "He still speaks." And in truth, the very silence was as eloquent as speech. It was a pause prophetic of impending doom.

In the main, the forensic elocution of Mr. Wadsworth was conversational in its tone and its style; and it was in this species of conversational eloquence that he was probably unsurpassed at the bar. In his later years, his capacity for strenuous and sustained effort in speech was limited by a cardiac disorder which embarrassed his respiration; and so seriously did this infirmity cripple the expression of his thought that only those are competent to pass a critical judgment on his powers as an orator who heard him in his early manhood or in the vigor of middle life. Those who saw him in the golden "fifties," saw him at his best. In a celebrated criminal case, in which he was pitted against one of his preceptors in the law, his capacity as a criminal prosecutor was displayed to peculiar advantage; and the public, which closely followed every step of the trial, scarcely knew which was the more wonderful—the powerful and searching eloquence of the prosecutor or the fine detective skill of the plaintiff—a plain, illiterate wagoner, who had exhibited in his relentless pursuit of the criminal the keen, merciless and unerring instinct of Hugo's Javert. The vigorous prosecution is still remembered by some of the older citizens and members of the bar, and none are likely to forget, who were present, the penetrating and pathetic eloquence of one brief speech in which the skillful prosecutor dismissed the perjuries of a mother: "Ah! gentlemen, we all know the power of a mother's love. She will plunge her own soul into the depths of perdition to save and sustain the honor of her son." More than this it was needless to say, and in saying it he seemed to commend to the charity

of eternal silence the offender and the offense.

But in all his forensic efforts, through all and over all, there played the revealing light of his wonderfully expressive eyes,—eyes of an honest English blue, singularly soft and kindly in their habitual expression and steeped in the very spirit of philosophical thought, but, in moments of strong emotion, burning with a suppressed passion that threatened at every moment to burst into a consuming flame. At these times the speaker seemed to be transformed by a sort of Berseker rage, which only a powerful will could hold in restraint. The swollen features, the flaming brow, the distended frontal veins, the fiery gleam of the eyes and the expression of imperious audacity stamped upon the haughty visage, gave a force and a vividness to his clear-cut incisive speech, which penetrated every brain and carried conviction to every heart. And yet it was not the voice, nor the eye, nor the legal learning, nor the philosophical insight, nor the forensic skill which gave Mr. Wadsworth distinction and success at the bar: it was all these at once, backed by the tremendous moral force of the man. The fierceness, the impetuosity, the indignation, the flaming zeal, the dignity, the tenderness, the disdain,—these were not merely realistic: they were real. The man was thoroughly identified with the cause.

It is then, indeed, true that Mr. Wadsworth, as an orator and advocate, stood absolutely alone, not necessarily greater than many of his distinguished contemporaries, but altogether different, and, after his own manner and method, certainly very great; and it might have been said of him, when he passed forever from the scene of his forensic triumphs, as was said of a kindred spirit that had passed into eternal rest: "Ulysses has gone on his wanderings, and there is none left to bend his matchless bow."

Mr. Wadsworth was scarcely less distinguished in the humbler, though not less useful, function of a solicitor or attorney at law. His familiarity with legal forms and the methods of conducting judicial proceedings, or with what might be termed the working mechanism of the law, is sufficiently attested by his practical success in civil procedures,—by the verdicts of juries, by the decisions of judges and by the dockets of the courts. Superiority in this respect was conceded by none more candidly or less cheerfully, than by his struggling contemporaries at the bar. While he was quite equal, however, to every demand put upon him in this way, he had no taste for the details and the drudgery of the law. He was a philosophical legist by the original cast of his mind, by the course of his legal studies and by the influence of contemporaneous speculation and research. When he began his professional career, radical thinkers were exploring every department of modern thought, and there was a spirit of philosophical liberalism in the air which was eminently congenial to his expanding mind. At the same time any tendency to the adoption of extreme or radical opinions was checked or corrected by the influence of the so-called "historical school,"—a school of thought which was obstinately conservative in its conceptions of legal forms and principles, recognizing in full the power of popular usage and its effect in giving form and authority to customary law. To the disciples of this school there was a consecrating power in time. They derived their data from the remotest past; they found their ideals in the juridical classics of ante-Justin-

ian days, and even professed to have discovered justification for the existence of abnormal or "peculiar" institutions in the simple fact that they exist. It is not difficult to detect in the political career and creeds of leading statesmen at that day, the conflicts of principle engendered by the irreconcilable antagonisms of these two schools. Mr. Wadsworth's opinions were palpably impressed by the teachings of both,—one serving in some measure to correct the defects or excesses of the other, but both imparting at times a deflecting impulse which apparently modified the bearings of his original course. But to one who thoroughly comprehended the man, the deflection was only apparent. The line of advance might vary, but the objective point was the same. His sympathies, his senses, his perceptions, his predilections, his affinities, and his passions were those of the race from which he sprang,—characteristics or qualities as indisputably transmitted from the past as the antique phraseology of the common law, or the quaint locutions of customary usage, or miscellaneous scraps of mediæval Latin, or the familiar summons of the sheriff with its sonorous prelude in Anglo-Norman French.

Mr. Wadsworth was indebted to his broad general culture for much of his effectiveness as a speaker. He has been credited with a knowledge of several modern languages and of many of the physical sciences. He made no such claims himself, nor did he make pretensions of any sort that the most critical inquiry would fail to sustain. A scholarly familiarity with several languages, living and dead, he undoubtedly possessed, but he exhibited no colloquial facility in any except his mother tongue. He was a philologist rather than a linguist, and was singularly clever in critical disquisition upon points of construction in classical Latin or upon points of law in antique Norman French; but he lacked that special aptitude for the acquisition of language which a thorough colloquial familiarity with one of the modern languages always implies. Nor did this aptitude argue any defect of general capacity. Macaulay's French was barbarous and detestable (*Greville*), and Voltaire had scarcely acquired, after years of effort, the slightest conception of English as a spoken tongue. They simply lacked the specific intellectual aptitude. Mr. Wadsworth possessed, however, a very useful knowledge of Spanish and French. His mastery of his mother tongue, the most critical purist must concede; and this mastery embraced every element of that rich, varied and expressive speech. There was no indication of a peddling preference for the so-called "Anglo-Saxon" vocables,—the monosyllabic elements of the language,—nor, on the other hand, was there a pedantic partiality for the Latinized elements of our tongue. Neither of these elements was conspicuous in the utterance of his thought; in the swift and fiery passion of his eloquence there was a perfect fusion of both.

And yet his cleverest utterances did not always escape disparaging remark. In one instance a critical and sensitive journalist arraigned the scholarly orator for the use of a word which Alfred Tennyson had made familiar to every branch of the English-speaking race. Mr. Wadsworth was accustomed to draw freely on the poets, even in conversation at the fireside or with familiar friends, but rather by paraphrase and allusion than by direct and formal quotation from the book. Horace, Vergil, Shakespeare, Tennyson and the Brownings furnished many of his effective phrases, though

it is not to be presumed that all his hearers were familiar with the source from which they came. What he borrowed might generally respond to the Miltonic test: it was "bettered,"—in that particular application at least. In one of his earlier efforts at the bar he was especially applauded for his clever characterization of a brazen Phryne, as "overbold and hot." To a miserly client, wishing to know the probable cost of a pending suit, he replied, with a touch of cynical humor: "*Tu ne quæsieris, scire nefas.*" Of a friend who had just passed away he said, "Modest and true and just, he died lamented by the good, and left no peer behind." (*Vide* Horace on the death of Quinctilius Varus.) The famous lines to Aristius Fuscus were frequently upon his lips.

Mr. Wadsworth was never so happy nor so genial as when dispensing the graceful hospitality of his charming home. There he could indulge without interruption the tastes which gave a daily beauty to his life. Unconsciously influenced by the impressions of early days he gave full play to the practical instincts of his mind, and, in developing the capabilities of his beautiful suburban place, applied with singular effectiveness and skill the transforming arts of the pioneer. To dig, to build, to plant, to prune, to gather, to pluck and to reap,—these were his favorite occupations or pastimes, the daily avocations of his professional life. It is something, no doubt, to make two blades of grass grow where one blade grew before; but what may be said of the man who plants ten thousand trees and carpets a barren hillside with beautiful grass and flowers? who constructs roads that will long survive the generations that saw them built? and who erects, in moments of professional leisure, great lengths of solid wall that promise of themselves to perpetuate the memory of his name? In his cellars and his vineyards he exhibited a pride which was natural to one whose personal toil had given his home a peculiar attraction, and imparted to his hospitality a sort of convivial grace. He exhibited a more than Horatian delight in his rare and generous vines, nor did he ask, in planting them, the genial soil of Tibur or the shel tering walls of Catilus. What more could they need than a sympathetic hand, a solicitous eye, and a sunny slope in this garden of the Lord? The flowers that he planted were very dear to his heart, and have left many fragrant memories with his friends. But their incurable frailty was to him a constant and incurable grief; and even the "flowers of the sky," whose very names made nightly appeal to his classical tastes, were, to his brooding imagination, as typical of evanescence as their "silken sisters of the field;" and yet, to the clear, unclouded spirit which inspired and brightened his daily toil, there was a perennial charm in both. He had but little taste for technical or systematic botany, nor had he a specialist's skill in astronomic lore; but in the secrets of star-craft and wood-craft he was thoroughly versed, and could give practical lessons in either to the explorer or to the pioneer. His spacious grounds were a garden which to himself, as to others, was a source of perpetual delight; and the lofty promontory or plateau, standing, peak-like, toward the eastern sky, was a natural observatory, from which he nightly watched the constellations and brooded upon the mysteries of the stars. Nothing impressed him more profoundly than the agencies or laws which held the constellations in their eternal course.

Thus the noble gentleman passed calmly

into the evening of his days, still mingling the purest pleasures with almost perpetual toil; dispensing daily hospitalities without measure, and untold charities without stint; enjoying the full play of his intellectual powers, and cherishing generous hopes and aspirations as one who had never lost the illusions of his youth. He had lived to exceed the limit which the psalmist has allotted to the life of man, and at the last passed quietly away upon a summons which made no sign, but placed at once the seal of eternal silence upon those strangely eloquent lips. The end came to him as he would have wished it to come,—in the full possession of his mental faculties, in the active discharge of professional duty, and in the midst of the family that he loved so well. It was a beautiful Easter morning; the sun, full-risen, was pouring a flood of radiance upon the quietly flowing river, and the pure light of heaven, as it streamed into the silent chamber, lay peacefully upon his composed and passionless brow.

He died in the seventy-third year of his age. It was during the closing years of his life that, in conversation with a friend upon the subject of Mr. Lincoln's religious views, then a subject of acrimonious controversy, he remarked that a basis for a perfect system of religion might be found in the conversation of Christ with the woman of Samaria (John iv, 19–24). Dwelling for a moment upon the oriental picturesqueness of the scene as he imagined it, he quoted the entire passage with a pathetic beauty of intonation that still touches the listener's heart, and closed by repeating, still more impressively, the mystical utterance of Christ: "Woman, believe me, the hour cometh when ye shall neither in this mountain, nor yet at Jerusalem, worship the Father. But the hour cometh, and now is, when the true worshipers shall worship the Father in spirit and in truth. For the Father seeketh such to worship him." And so, even unto the last, the spirit of the old Puritan fathers was breathing in sacred and familiar accents through the lips of this gifted and eloquent son, who, in the indulgence of inherited tastes, had found, through life, no finer or happier inspiration than that which he drew from the Semitic scriptures and from that voluminous book of nature which we must likewise believe is one of the books of God. The Scriptural citation, solemnly intoned by the brilliant orator as he sat in the fading light of an autumnal day, flashed a revealing light into the spiritual nature of the man. Whatever his religion, he did not wear it upon his sleeve; neither had he found it in the synagogues of the city, nor among the simple fathers in the sun-lit Samarian hills; and, whatever the form of that belief, there could be no more eloquent testimony to the sincerity of his convictions than the silent devotions of his unselfish and sympathetic life.

"Love had he found in huts where poor men lie;
His daily teachers had been woods and rills,—
The silence that is in the starry sky,
The sleep that is among the lonely hills."

THOMAS E. PICKETT.

February 27, 1897.

WILLIAM HENRY WADSWORTH, JR., was born in Maysville, Kentucky, March 14, 1853, and is the second son of William H. and Martha M. Wadsworth. His father, whose biography precedes this sketch, was one of the most distinguished lawyers of the state. The son was christened Henry Wadsworth,

but afterward, with his father's consent, took his whole name, which he has worthily worn. His early education was obtained in Maysville Seminary; for two years he was a student in Antioch College, of Yellow Springs, Ohio, and later pursued the full academic course in Harvard College, where he was graduated in June, 1875. He read law with his father in Maysville, Kentucky, and was admitted to the bar in that city, in the Mason circuit court, on the 13th of October, 1876.

A man of ripe scholarship, broad general information and a comprehensive knowledge of the science of jurisprudence, he was well fitted for success at the bar, and his career has demonstrated the possession and exercise of superior legal talent. During the year of his admission to the bar he was admitted to a partnership in his father's business, to which he succeeded upon the death of his father, in April, 1893. His practice has been largely in the line of corporate law, and of an important character. He is attorney for the Louisville & Nashville Railroad Company in Mason and Fleming counties, counsel for the Maysville & Lexington Turnpike Road Company, and various other corporations in Mason county, and in connection with his associate, A. M. J. Cochran, is general counsel for the Chesapeake & Ohio Railway Company, and its subsidiary companies, except the Lexington division, in Kentucky. He is also a director in various enterprises, his business interests being extensive and of a character which are not only of individual benefit but also add to the welfare of the community by promoting commercial activity.

On the 18th of December, 1877, Mr. Wadsworth was united in marriage to Miss Lucy H. Harrison, and they now have two children—Florence Pearce, who is now a student at Science Hill Academy, in Shelbyville, Kentucky, and William Henry, Jr., who is the third to bear the name. Mr. Wadsworth is a member of the Knights of Honor. His political support is given the Republican party, and he is a strong advocate of the sound-money and protective-tariff principles of the party. He has served as a member of the city council of Maysville for two terms, and has been chairman of the board of education for eight years. Public-spirited and progressive, he is deeply interested in all that pertains to the advancement of the city, and his labors in behalf of the public welfare have been most practical and beneficial. He has won a foremost place at the bar, and his business methods commend themselves to all. In the preparation of his cases he is most careful, studying the question at issue from every standpoint, thus endeavoring to meet the probable and possible presentation of the controversy by the opposing counsel. He possesses that judicial instinct which makes its way quickly through immaterial details to the essential points upon which the determination of a cause must turn, and his arguments are ever logical, forcible and clear.

ADNA ANSON WADSWORTH, eldest son of the late Hon. William Henry Wadsworth, was born in Maysville, Mason county, Kentucky, on the 24th of September, 1850. With an ancestry so intimately associated with the history of this country from the early colonial times down to the present day, it is not at all remarkable that he should inherit many of those superior qualities which go to make him a man of conspicuous mark. His practical mental

training was received at the Rand & Richeson College, of Maysville, and was supplemented by a course at the Lexington University and the Columbia College, of Washington, District of Columbia. His natural adaptability for the law made his legal studies a great pleasure to him, and under the wise counsel of his father he pursued his legal course until 1871, when he passed a most creditable examination and was licensed to practice.

Continuing in his father's office, Mr. Wadsworth soon displayed so much ability that by mutual consent the firm of Henry Wadsworth & Son sprang into existence, their clientage becoming very extensive and including the management of the legal business for the Chesapeake & Ohio Railroad Company. In 1884 Judge Wadsworth, of this sketch, withdrew from the firm and removed to Paterson, New Jersey, where for a time he suspended his practice in order to engage in literary work. As a journalist he won high reputation for his able articles, which became an important feature in such publications as the New York Times and other eastern papers. His style is at once attractive, breezy and interesting, so that he presents the dryest facts in a way that will hold the attention of the most indifferent reader.

Returning to Maysville in 1885, Mr. Wadsworth resumed the practice of law and in 1893 was elected judge of the police court on the independent ticket. As a criminal lawyer he has made an enviable reputation. His arguments, embracing a happy combination of keen satire, wit, humor, pathos and practical common sense, are such that his hearers are almost unconsciously won to favor his client, despite previously formed opinions to the contrary. His strong poetical nature has led him to see the highest, best and happiest in those with whom he has social or business relations, but as a writer he looks below the superficialities of human nature and holds up to the gaze of the world those petty foibles which fain would be left undiscovered. A clever bit of satire which he has published in book form under the title "Vas Der Spats Sieched," contains the following little gem, and is characteristic of his peculiar nature:

"Nothing that sports a brain ever really enjoys hard work. You may take your choice of all the cerebral family, from the philosophical alchemist, who puts all the concomitant parts of a man's life into his smelting cauldron and boils it down until he finds the whole mass has wasted and evaporated, leaving but a little sediment, which he holds up between his thumb and forefinger, and proudly labels this atom, 'work'; to the priest, who whines his scriptures as a theological endorsement of something he abhors—work; to the doctor, who gives morphine to avoid it—work; to the lawyer, whose only idea of it is so exaggerated that men must pay for his effort of a thought—work; to the poet, who sits among the ruins where time laughs at labor and sings brave peans, giving to airy nothing a local habitation and a name—work; down to the most sober philosopher of them all,—the coerced ox, patiently bearing the burden of his yoke,—from the greatest to the least, from reason unto instinct,—and you will find a natural and universal rebellion against the whole of it—work.

"Why, the thrifty bee would scarcely prove his industry and give sweet singers opportunity to make pretty morals about his busy life, if the price of his labor was anything but honey. Work is punishment

—was meant for a penalty since God drove Adam out of Eden; and when a man tells you, my son, that he delights in toil, do not be hasty and tell him he is a liar. Oh, no! He may believe what he says and mistake the compelling force of habit for real pleasure, just as an old whisky soaker, swallowing his usual 'eye-opener' in the morning, believes it tastes fine, when the fact is it burns him like blazes and often gags him before he gets it to stick."

Judge Wadsworth was married in 1871 to Miss Anna J. Cox, daughter of Thornton Cox, of Lexington, Kentucky, who is a direct descendant of Daniel Boone. They have four children: Lucy, now the wife of Judge T. R. Phister, William Henry, Adna A. and Mattie H.

The Judge is a Master Mason and a prominent member of the Knights of Pythias fraternity. In politics he holds no allegiance to party, but rather places his confidence in the sterling principles of his favorite candidates for office and takes it for granted that his trust will not be abused. His faith in the goodness and purity of mankind in general is most marked and commendable, and is but the reflection of his own honorable nature, a fact which has won him the love and confidence of many friends.

EDWARD LESLIE WORTHINGTON, of Maysville, was born in Mason county, Kentucky, on the 20th of October, 1851. His father, Madison Worthington, was a native of the same county and was a farmer by occupation. The grandfather, Thomas T. Worthington, came to Kentucky from Maryland about 1800. The ancestry of the family were English, and the first representatives of the name in America crossed the Atlantic and settled in Maryland about the year 1660. His mother was Elizabeth (Bledsoe) Worthington, of Mason county, who, on the maternal side, was related to the Hawkins family, one of the most prominent in the state.

E. L. Worthington acquired his elementary education in the common schools of his native county, and afterward spent two years as a student of Kentucky University, in Lexington. He was graduated in the Cincinnati Law School in 1874, was admitted to the bar and began practice. In 1880 he removed to Maysville, where he has since resided, and has succeeded in securing a large and lucrative clientage. His name appears in connection with the history of many important cases in the court of last resort, and in the department of civil law his business is extensive. His political support is given the Democratic party, and in 1885 he was elected on that ticket to the state senate, where he served for four years, during all of which time he was a member of the judiciary committee of that body. With this exception he has never been a candidate for public office, preferring to give his entire time and attention to his chosen calling. His thorough knowledge of the law and his business activity have won him the confidence of the public and made him pre-eminent in the legal profession at Maysville. He is an agreeable speaker, his utterances are clear, concise, logical and earnest, and his conduct of a case evinces great legal acumen and conscientious and painstaking preparation. Socially, he is connected with the Masonic fraternity.

JAMES N. KEHOE was born in 1862, in Maysville, Kentucky, the place of his present residence. His parents, James and

Nora (Conroy) Kehoe, were natives of Ireland, whence they crossed the Atlantic to America in 1847, and thereafter identified their interests with those of northeastern Kentucky. Their son obtained his preliminary education in the local schools of Maysville and subsequently became a student of law in the office of Hargis & Eastin, well-known attorneys of Louisville, who directed his reading until he was ready for practice. After thorough preparation he passed a rigid examination before the Kentucky court of appeals and was formally admitted to practice by that court on the 1st of November, 1888, when twenty-six years of age. He at once accepted a position as assistant to District Attorney Wood, of Evansville, Indiana, of the Louisville & Nashville Railroad Company, in whose office he remained for a year, but not feeling "at home" out of Kentucky, he resigned and returned to his native city, where he has since successfully engaged in practice. The period of his connection with the Kentucky bar does not yet cover a decade, but he has already won high rank among the practitioners of this section of the state. He is blessed with a good voice, is a fine speaker, an indefatigable and earnest worker, and these qualities always insure success. He also possesses a keenly analytical mind and his knowledge of law enables him to apply to the question in controversy the principles of jurisprudence which bear the closest relation to it. He is thoroughly practical and does not get lost in details.

An ardent and enthusiastic supporter of Democracy, he served as chairman of the Democratic county executive committee and is now a member of the Democratic state executive committee for the ninth district. Deeply interested in the success of his party, he promotes its growth in every possible way and has done most effective service in its interests. He was twice appointed city attorney of Maysville, and is now master commissioner and receiver of the Mason county court, by appointment of the circuit judge, each of which positions he has acceptably filled; but he was never a candidate for public office or such a position. He is a keen, wide-awake business man, who attracts business by his known ability, candor and honesty in all things; and he has the reputation of neither fearing, favoring or punishing an enemy, while his fidelity to his clients and love for his friends are most admirable.

JOHN GREEN HICKMAN, a lawyer of Maysville, born in Mason county, September 24, 1819, is one of nature's noblemen, who has lived a life of modest usefulness, of self-denial, of honest endeavor and of strictest integrity, that has served to point an example for all who would obtain and preserve the love and respect of their fellowmen.

His father, David Burns Hickman, was a native of Mason county, whose family came from Virginia to Kentucky. His father's mother was from Scotland, her family name being Burns. His grandfather, John Hickman, came to Kentucky with the early settlers. His mother was Caroline Green, daughter of John and Achcah (Burgess) Green, related to the Warfield and the Beatty families. His education was received in the schools of his native county and at Center College, of Danville, where he graduated in 1843. He studied law under the preceptorage of William Rochester Beatty, in Washington, Mason county, and was ad-

mitted to the bar in 1848. He entered upon the practice and continued an active member of the bar until 1895, when he retired. He served his county in the state legislature for one term, 1853–5, but this was his only venture into political life, his independence of thought and honesty of expression being repugnant to service in any party. He was a Whig while that party existed and a Unionist after 1861. He joined the Presbyterian church in boyhood, and has ever lived a sober, Christian life, exemplifying, as far as it is possible for human nature to exemplify, the commandments of the Creator to the human race.

Mr. Hickman has pursued his work as a lawyer without ostentation or display, discharging well and faithfully and with strictest integrity the duty of the lawyer to his client, performing each with satisfaction to those who entrusted their interests to his keeping and with honor to himself.

He was married, in 1862, to Miss Phœbe Forman, daughter of George L. and Alice (Tebbs) Forman, of Mason county. Her family was of English extraction and came to Kentucky from New Jersey. Mr. Hickman has one son, Samuel Tebbs, at this time (1897) in the employ of Mitchell, Fink & Company, bankers, of Maysville, Kentucky.

ROBERT A. COCHRAN.—Given a man of good mental and moral qualities, coming down to him through the centuries from robust, hardy, energetic and courageous ancestors, who were endowed with power to transmit their own valuable characteristics and unite these with a strong and healthy body, the necessity for exertion, instead of filling him with dismay and daunting his soul in the beginning of life's battle, fills him with determination to overcome every obstacle to success, and spurs him on to renewed, tireless and higher effort. And this effort gives him a greater and a growing strength with which to grapple the task he has set himself to do and fires him with ambition to rise to better things than any pictured in the morning of life by his fondest hopes or brightest visions. From such an origin, from highly reputable, substantial, useful and sensible people, came the late Robert Armstrong Cochran, a man whose name was interwoven with the progress of the city in which he lived, was prominent in all the public and social affairs of that section of his adopted state, and was held in high esteem as that of a most useful and honorable man by all with whom he was brought in contact.

The subject of this sketch was born on the 27th day of January, 1822, at the family homestead on French creek, in Crawford county, Pennsylvania, and ten miles below Meadville. The town named after his people now stands not far distant, and his grandfather had settled at the spot many years before his birth. This grandfather, Charles Cochran, with his wife, *nee* Mary Murray, had escaped from the massacre of Wyoming and had taken refuge in the barracks at Carlisle, where, soon after their arrival, the father of our subject was born. His name was John Cochran, and that of his wife was Jane Duffield. The grandfather did his part well in the struggle for independence, was a good soldier under "Mad Anthony" Wayne, and was up well at the front in the perilous storming of Stony Point. An uncle was with Miller and fell wounded to death at Bridgewater or Lundy's Lane. Another uncle was with Perry when the

Robt. A. Cochran

waters of Erie ran blushing with the blood of our bravest seamen. The name of Cochran is of territorial derivation, and can be traced back to Walden, who assumed the name of the place from which he sprang, and who figured in the reign of Alexander III, 1260. His motto, *virtute et labore*, was borne upon the banners of his descendants on many a stricken field. The early American ancestors of our subject were from Paisley, Scotland, and claimed the same descent as that of the first Earl of Dundonald. From Scotland they emigrated to the north of Ireland, and thence to Pennsylvania.

The maternal ancestors of Mr. Cochran —the Duffields—had gone to the north of Ireland from Yorkshire, England, where the records give honorable mention of the name as far back as 1315. William Duffield, the grandfather of Mr. Cochran, was born in county Down, Ireland, in 1743, settled in Pennsylvania in 1760, and was a soldier in the patriot army from the beginning to the close of the Revolution. In 1774 he married Elizabeth Hasson, like himself a native of Ireland. In 1800 he removed his family from Center to Venango county, in western Pennsylvania, and settled on a farm on French creek, a mile below the present site of Utica. There he died in 1827, his wife following him in 1838. William Duffield had ten children, all of whom left descendants, who, when assembled at a reunion of the family in September, 1878, numbered five hundred and sixty souls. The Cochrans and Duffields alike adhered to the Presbyterian faith.

When Robert A. Cochran was three years old his father purchased and removed to a farm in Mercer county, Pennsylvania, and there died four years later. On this farm the son was reared by the widowed mother, who gave him such educational advantages as were afforded by the schools of the neighborhood, which were supplemented by an attendance during a single term in the academy in Mercer, and by private instructions from the minister of the Presbyterian church in Hawesville, a neighboring town. But the most valuable lessons taught him were those which fell from the mother's own lips,—the principles of honor, truth and honesty. When seventeen years old he secured a position as teacher during the winter months in a school near Cochranton, and during four successive winters taught in the neighborhood of his own home.

In November, 1844, he came to Kentucky with the intention of teaching during the winter months and returning to Pennsylvania in the spring, and with that view entered upon his duties as teacher of a county school in the southwestern part of the beautiful and wealthy county of Mason. But, so pleased was he with the sightly county, and with the people, so friendly, generous, hospitable and spirited, that he remained in the same neighborhood until the autumn of 1847, when he removed to Washington, then the county seat. The people were as much attracted by the young stranger as he had been by them, and by their fertile fields, luxuriant meadows and beautiful woodlands. Having welcomed him cordially and admitted him to their confidence, they proceeded to give evidence of their esteem and of their own manly characteristics by advancing him. With popular approbation he was appointed deputy clerk of both the county and circuit courts. From his advent in the county his conduct was at all times that of a self-respecting, independent, manly man. His bearing was that which ever

marks one who is at once by raising and nature a gentleman. Always courteous, he was never fawning; affable to all, he was sycophantic to no one; respecting the right of opinion on the part of others, he did not hesitate to express his own, and gave early evidence that he possessed the courage of his convictions. His associations naturally fell among the most refined, the best educated, and the most intelligent men and women of the county, and were admirably calculated to stimulate his ambition, to urge him to self-culture, and to broaden his intellectual aspirations.

His position in the clerk's office gave him the opportunity of acquaintance with the great body of the country people, and with the business men of both county and city. As it is true that no official ever possessed their respect in a greater degree, it is equally true that not one of them was ever more richly entitled to that respect. After the constitution was changed and the office was made elective, he was the first clerk of the county court elected by the people, receiving a majority of four hundred votes; and so well did he discharge every duty and fulfill every requirement of the office that he was three times re-elected. If this fact stood by itself it would be but slight evidence of the genuine esteem in which he was actually held by the people; but it is due to him to say, and in the present era of bribery and corruption it is a great deal to say, that his election was never the result of the use of unworthy means, but was always and invariably the freewill offering of a people who chose thus to manifest their appreciation of his admitted worth and to signify their implicit confidence. Mr. Cochran desired an election for a fifth term, and it is a well-attested fact that had he consented to abandon his political convictions and associates, in the change which was then taking place (1866), this wish would have been of easy gratification. But it was characteristic of the man that he unhesitatingly preferred defeat rather than to deviate by a hair's breadth from the path which his matured judgment instructed him was that of rectitude.

As an official there never was one more faithful, more upright, nor more competent. He won the sincere good will of all his constituents, not more by his cheerful and obliging manner than he did by zealously and scrupulously devoting himself to their interests.

After Mr. Cochran had retired from office the sheriff by mistake collected a tax of five cents on the one hundred dollars for state purposes more than the law required, and then settled with the state auditor on the legal basis and kept the overtax. This matter became known to Mr. Cochran, who was county treasurer at the time. He at once went to those whose duty it was to settle with the sheriff, called their attention to the discrepancy, and urged them to bring the matter to the attention of the court, so that restitution might be exacted. But each one declared it to be "none of my business," and, unwilling to incur the ill will of a popular official, all declined to move in the public behalf. Thereupon Mr. Cochran announced that he would "make it my business," and see to it that the money was repaid. He at once brought the matter to the attention of the court, the sheriff was required to refund to the county the over collection, and thousands of dollars were rescued for the public. This single act illustrates the public and private character of the man.

Industrious as he was, while teaching in the public schools, Mr. Cochran began reading law under the instruction of John A. McClung and Harrison Taylor, the first noted as an orator at the bar and in the pulpit, the latter the speaker of the Kentucky house of representatives and one of the best lawyers in northern Kentucky. He studied closely during all the years of his clerkship. The year prior to his first election as county clerk the county seat had been moved to Maysville, and while acting as clerk he also served as county treasurer, and managed its finances. But he never ceased to study law. When at length he was admitted to the bar, and when he commenced the practice in 1866, he was a well-equipped lawyer. At first he was by himself in the practice, but soon formed a partnership with James Barbour, and later with his sons, A. M. J. and William D. Cochran. His experience in the clerk's office made him acquainted with the titles to all real estate in the county. He was a skillful conveyancer, and also a skillful and accurate accountant. He was as true and honest as the sun, conservative, clear-headed, a safe and sagacious adviser in all matters of practical business. He understood the principles of commercial law well. These qualities as a man, this fitness for the details of business, combined with strong common sense, a vigorous understanding, a legal equipment far above the ordinary, and an engaging personality brought to him and his partners a large clientage and a lucrative practice. He was methodical, painstaking, careful in the preparation of his cases, watchful of every detail and zealous and devoted to the interest of his clients, making their case his own. Uniformly respectful to the bench he was invariably courteous to his brothers at the bar, scrupulous in meeting all engagements, and punctilious in compliance with every agreement.

But Mr. Cochran's capacity for usefulness was not bounded by the clerk's office, by the court-room, nor by the office of a discreet legal counselor. The sphere of his activity was extended in many and varied directions. A director of the old Maysville & Lexington Railroad Company and of the Maysville & Lexington Turnpike Road Company, he was also a director in the Maysville branch of the Bank of Kentucky, and for years prior to his death, was a director and vice-president of the Bank of Maysville. He was also president of the Maysville Gas Company and was officially connected with the Electric Light & Street Railway Companies.

An enthusiastic Odd Fellow for more than forty years, he was treasurer of DeKalb Lodge. Its treasury was almost empty when he assumed the duties of the office, but when he left it, and under his management of its finances, the lodge had become one of the most prosperous in the state.

A liberal and intelligent friend of the cause of public education, he was for more than twenty years a member of the Maysville school board and contributed liberally in promoting the interests and elevating the standard of the schools. During his incumbency and owing largely to his efforts, the graded school was established and the school for colored children was made useful to that race. As president of the city council for eight years, his course was marked by a rare sagacity and an unselfish devotion to the public welfare; the bonds of the city, which had gone begging at fifty cents on the dollar, were brought to a premium, and the

floating debt, which commanded ten per cent, was funded at six. With every opportunity for so doing to his own enrichment, he never took advantage of the depreciation in the municipal credit of his adopted city to speculate in her securities.

At the urgent solicitation of prominent members of the opposing party, Mr. Cochran in 1879 gave a reluctant consent to become a candidate to represent Mason county in the state legislature, and, although his own party was largely in the minority and strenuous efforts were put forth by the machine to encompass his defeat, he was elected and served until 1881. In recognition of his undoubted capacity for affairs, the speaker of the house, who was of the dominant and opposing party, appointed him chairman of the committee on ways and means, by far the most important committee of that body. In that position he was the author of the tax law adopted by the assembly and of most of its financial legislation, and proved signally advantageous to the commonwealth. While he was one of the most unassuming and modest, those who were his contemporaries in the legislative halls, whatever their own partisan affiliations, bear cordial testimony that he was at the same time one of the most useful and valuable, and, though of the minority, was one of the most influential of its members.

On the 17th of May, 1853, Mr. Cochran was married to Miss Harriet F. January, daughter of Andrew M. January, who was for many years one of the most prominent financiers and eminent citizens of this section of Kentucky. He was born in Jessamine county, Kentucky, August 3, 1794. His father, Ephraim January, was born in Pennsylvania, and was a grandson of a French Huguenot, whose lands were confiscated when he fled his native country in search of religious liberty. Ephraim January married Sarah McConnell, of Pennsylvania, and in 1780 they emigrated to Louisville, Kentucky. Her father, Andrew McConnell, was killed by the Indians at the famous battle of Blue Licks, in 1782. Shortly afterward they went to Harrodsburg, and a year later to Lexington, where they were obliged to live in a fort to protect themselves from the Indians. When it became safe to establish individual homes away from the fort, Ephraim January preempted one thousand acres of land, built a log cabin, and removed his family thereto.

Andrew M. January was reared among the scenes of pioneer life, and in 1812 went to Lexington, where he served for three and a half years as an apprentice to a silversmith. He made good use of his opportunities, worked more than the required number of hours, and was thereby enabled to secure more than the common necessities of life and to save a small capital for a business venture of his own. His habits of life were along the line of strict morality and virtue, according with the lessons which he had learned on his mother's knee and with the promises which he had made her on leaving home. In the spring of 1816 he began business on his own account in Lexington as a silversmith, and in the ensuing winter married Sarah Huston. Owing to many importations from England, however, his business did not prove profitable and he abandoned it, going to Maysville in 1817, then a little shipping town on the Ohio river. There he opened a grocery, and a few months later became proprietor of a commission business.

Difficulties and obstacles lay in his path

and reverses came to him, but with great fortitude, determination and honorable purpose he continued on the road to success. He inaugurated Kentucky's system of turnpikes and secured the establishment of the first one in the face of the greatest opposition, but with the assistance of other public-spirited and far-sighted men he persevered, and secured not only the improvement of the roads in Maysville but also in many other sections of the country, giving a powerful impetus to the whole system of internal improvements in the state. Upon the location of the Bank of Kentucky in Maysville he was appointed its president and continued thus to serve until its removal in 1871, when he became president of the Bank of Maysville, which was organized in its stead, and acted in that capacity until his death, June 11, 1877. Some years before the war, in connection with B. W. Wood, he became interested in the Maysville Cotton Mills, a large manufacturing concern conducted under the firm name of January & Wood until his death. His son-in-law, Mr. Cochran, then managed the business on behalf of the estate until his death, since which time Mr. Cochran's sons have purchased Mr. Wood's interest and conduct the factory, of which A. M. J. Cochran is president and Robert A. Cochran secretary and treasurer. Mr. January was also president of the Maysville & Lexington Turnpike Road Company, was a member of the board of directors of the Maysville & Lexington Railroad Company, and was prominently connected with almost every enterprise of the city during his active life there. He was a man of wonderful capacity and ability, honorable in all relations and honored by all who knew him.

Mr. and Mrs. Cochran traveled life's journey together for nearly half a century and their home was one of the happiest to be found. Five sons were born to them, namely: A. M. J., now an eminent lawyer of Maysville; Robert A., Jr., secretary and manager of the Maysville Cotton Mills Company; Dr. James H.; William D., an attorney who is now, 1897, clerk of Mason county; and Horace J., who is now manager of the Maysville Gas Company.

For nearly half a century Mr. Cochran was thus prominently and most honorably identified with the growth, the material prosperity, and the educational advancement of the city of Maysville and of the county of Mason. He was in the front rank of every public enterprise, the success of which was largely due to his wise counsel, which was invariably sought and was always freely and frankly given, and to the strong practical common sense which was his most distinguishing characteristic. Besides contributing his ripe judgment in the engineering of plans in public affairs until they reached a firm and safe foundation, he privately gave most generously to all worthy movements, whether they were for the material, educational or the moral and religious advancement of the community. Not content with doing his share, his choice was always to be foremost in aid of good works. The loss of such a man, of the highest integrity of character, of broad philanthropy, of enlightened charity, and of superior business resources and capacity, falls not upon his family alone, but upon the community to which he was a fine example of manhood, to the county which he had served, to the commonwealth which he had adopted, and the best characteristics of whose people he had assimilated.

He departed this life at his home in

Maysville, surrounded by a loving family, January 13, 1896, and was followed to the grave by a large concourse of surviving friends. His wife died September 17, 1896.

ANDREW McCONNELL JANUARY COCHRAN was born on the 4th of February, 1854, in Maysville, and bears the name of his maternal grandfather, which name figures conspicuously on the pages of Kentucky history in connection with the substantial development and improvement of the state. His parents were Robert Armstrong and Harriet Francis (January) Cochran, the life record of whom is given above. Reared in the home of culture, where true moral worth was considered the most valuable thing in life, he early developed a firmness of purpose and nobility of character that have dominated his entire career. His education was begun under the instruction of Professor W. W. Richeson, one of the most distinguished educators in this section of the state at the time, and was further continued in Center College, of Danville, the leading institution of the kind in Kentucky, where he was graduated in June, 1873. Soon afterward he entered Harvard Law School and was graduated in June, 1877, being one of three in a large class to receive the distinction of "*cum laude.*"

On the 13th of October, 1877, Mr. Cochran was admitted to the bar, and joined the legal firm of Barbour & Cochran, of Maysville, the partners being Hon. James Barbour and Hon. Robert A. Cochran, father of our subject. This connection was continued until 1882, when Mr. Barbour retired, but the business relation between the father and son was continued uninterruptedly until the former's death. Since that time A. M. J. Cochran has been alone in business, save that he is associated with W. H. Wadsworth, of Maysville, under the firm name of Wadsworth & Cochran, as general counsel for Kentucky of the Chesapeake & Ohio Railway Company. For the past fifteen years Mr. Cochran has been associated as counsel with almost every important litigation of Mason and adjoining counties. He is most vigilant in guarding his clients' interests, and the trusts confided to him he holds as dear as his own affairs.

Mr. Cochran has given the greater part of his attention to his chosen profession, and has never sought or desired political preferment. He is, however, interested in several enterprises which are not alone of individual benefit, but also materially advance the welfare of the city. He is president of the Maysville Street Railroad & Transfer Company, is his father's successor in the vice-presidency of the Bank of Maysville, is president of the Maysville Gas Company, and is president of the Maysville Cotton Mills Company.

On the 24th of May, 1882, was celebrated the marriage of Mr. Cochran and Miss Lucy McElroy, a daughter of the late John McElroy, a prominent farmer of Marion county, Kentucky, and Lou Ann McElroy, his wife. The McElroy family, having representatives in both Marion and Washington counties, is one of high standing and of much influence. Mrs. McElroy was a daughter of W. H. Skiles, of Warren county, and her mother was a Miss Underwood, a sister of Hon. Joseph R. Underwood, a prominent lawyer, judge of the court of appeals before the war, and United States senator. Mr. and Mrs. Cochran have three

A. M. J. Cochran

interesting children, John McElroy, Harriet Francis and Robert Armstrong.

Since attaining his majority Mr. Cochran has given his political support to the men and measures of the Republican party. He belongs to the Odd Fellows society and is a member of the Presbyterian church of Maysville, in which he is now serving as elder. He is a director of the Danville Theological Seminary and is one of the trustees of his *alma mater*, Center College. At the bar he ranks among the ablest lawyers of the state. He makes a clear, concise and candid statement of facts before judge or jury without striving after oratorical display or rhetorical effect, and his utterances ring with sincerity and truth, which makes a deep impression upon his hearers. He loves justice, abhors dishonesty and dissimulation, and is recognized as a man of inflexible integrity, honored by his business associates and highly esteemed by his many friends.

RICHARD H. COLLINS, lawyer and historian, was born May 4, 1824, in Maysville, Kentucky, and died in Missouri, in 1889. His paternal grandfather, Richard Collins, was a soldier of the Revolution, and his maternal grandfather, Major Valentine Peers, was also a participant in that great contest, both having been residents of Virginia.

Richard H. Collins was graduated in Center College, Danville, in 1842, and in Transylvania Law School in 1846. He largely devoted his life to editorial work and historical research, being for ten years editor of the Maysville Eagle and at a later period founded the Danville Review. Between 1851 and 1871, he also engaged in the practice of law at Maysville, Kentucky, and at Cincinnati, Ohio, while residing at Covington. The work of his life, however, was the preparation of the History of Kentucky, in two volumes, published in 1874. This was an enlargement of a volume published in 1847 by his father, Lewis Collins, who was born in Fayette county, Kentucky, in 1797, and died in Lexington, in 1870. He was the proprietor of the Maysville Eagle from 1820 and judge of the Mason county court from 1851 to 1854.

WALKER REID, of Mason county, one of the earliest lawyers and one of the ablest judges of northern Kentucky, was born in Virginia, in 1785. Early in the century he removed to Mason county and settled at Washington, then the county seat, where he became a prominent figure in the social and political life of the county. He was sent as the representative of the district to the legislature in 1810, 1811, 1813 and 1817, was appointed judge of the circuit court in 1832 and held office until 1851, when his tenure was terminated by the constitution of 1850, which made the office elective. Judge Reid was indisposed to accept judicial office as the result of popular election, but, being prevailed upon by the bar and his friends to permit his name to be used, he was elected in 1851, for a term of six years, by a very large majority over his opponent, the division of party lines and party fealty being disregarded. He died of cholera while holding court at Alexandria, Campbell county, June 21, 1852.

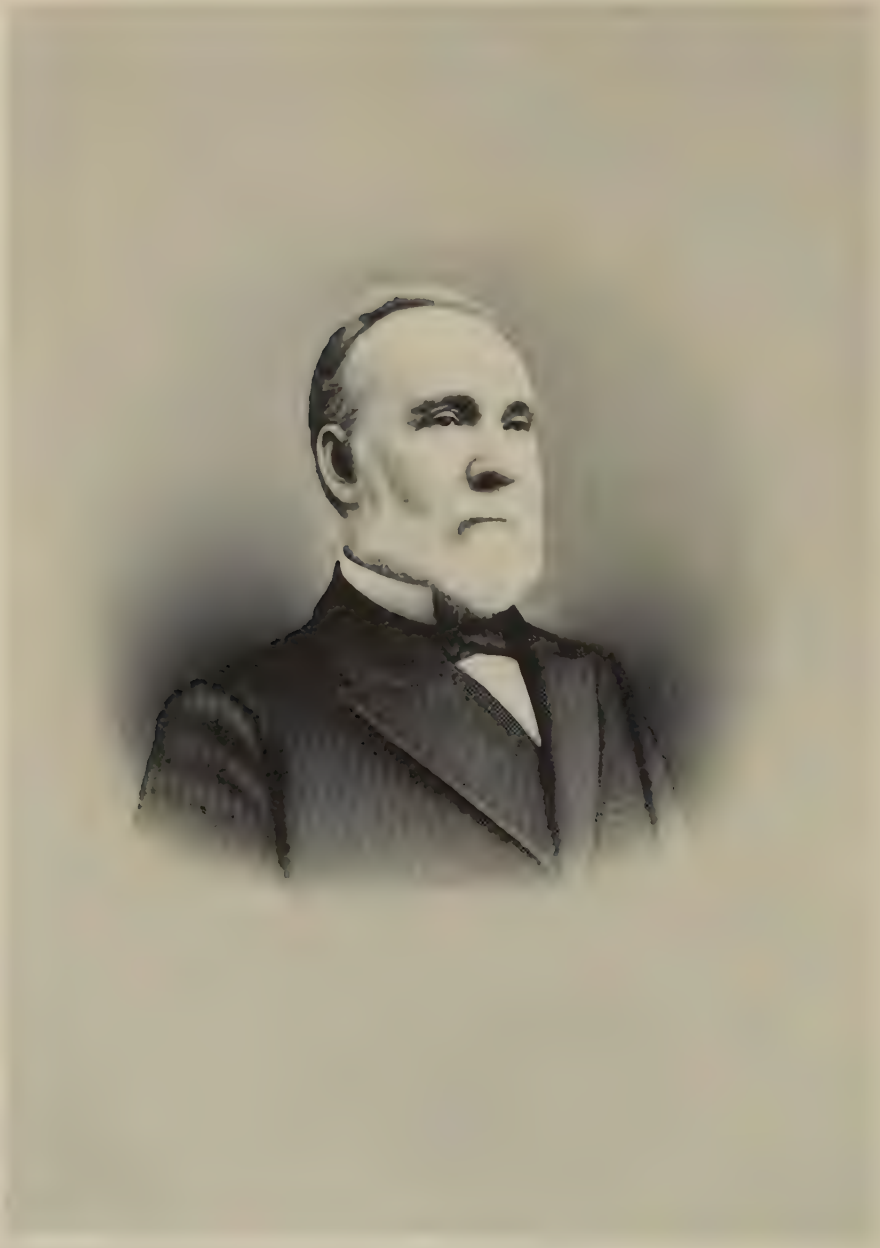
Throughout his career as a judge, covering twenty years, no voice of reproach, no breath of suspicion, was ever heard. While independent and bold in the expression of

his opinions, he was always just, brave and combative in defense of any position he assumed; he was not unreasonable, and was ever kindly and courteous. The reminiscences of Judge Reid's occupancy of the bench are all of a pleasant character, for his treatment of lawyers and litigants was always the most genial and fair. He was respected by all and loved by all as an honorable man and a just judge.

He married Anne Tebbs, of Mason county, and of their children, Walker, the eldest, lost his life in defense of Texan liberty, having entered the service of the Texas republic, in whose army he was a captain; returning home, he died of Texas fever; Joseph Botts Reid was a physician; and William Tebbs Reid entered upon the practice of law at Washington. Both died early in their career. Another son, John Reid, was also a lawyer, a graduate of Transylvania University. He removed to Missouri, where he engaged in farming near Lexington. He participated in the Civil war, was major of a Missouri regiment in the southern army, and after the war became a banker at Lexington, Missouri. He was married on the 12th of July, 1853, to Miss Katherine G. Hunt, daughter of Charlton Hunt, a celebrated lawyer of Lexington, Kentucky. His mother, Mrs. Walker Reid, resided with him in Missouri, where she died in 1867. During the war she was subjected to arrest because of her son's adherence to the southern cause! Since the death of her husband, Mrs. John Reid has returned to her old home in Lexington, Kentucky, where she has re-established the homestead, occupying one of the old colonial houses, the "Hunt House," erected in 1811, and a landmark in Lexington, and indeed in the entire west, being probably the finest constructed and largest house in the Mississippi valley at the time of its building; and it is even to-day surpassed by few. Here Mrs. Reid takes pleasure in the entertainment of her friends and in the dispensation of a liberal charity to all, and as the representative of her own and her husband's family does honor to the memory of her father, her husband's father, and her husband, all eminent members of the legal profession. She is of the third generation of Hunts to occupy the homestead.

HARRISON TAYLOR, lawyer, of Maysville, was born August 10, 1810, in Lewis county, Kentucky, and died November 28, 1876. His parents were early settlers in the mountain district of eastern Kentucky, and in his humble home amidst the hills and trees that surrounded it there was bred in him a feeling of independence, of honesty and of pride that were prominent characteristics of the man through life. There was little in his surroundings as he grew up to manhood that gave promise of the life of usefulness and influence which he afterward lived.

He came to Mason county at the age of twenty years and entered the office of the circuit clerk, May 11, 1830. Judge William P. Roper was then on the circuit bench, James Crawford, commonwealth's attorney, Judge Walker Reid and Judge Adam Beatty were active members of the bar. It was within these surroundings that he made choice of the law as a profession and began its study. He was admitted to practice November 11, 1833, and about this time the brilliant John A. McClung entered the legal profession and for twenty years they were associated in the practice. Mr. Taylor



was an indefatigable worker, while Mr. McClung, who had a distaste for the drudgery of preparation, gloried in the contest of the court. Thus organized the firm became one of the most able and popular in northern Kentucky.

Mr. Taylor was a member of the legislature in 1836, and in 1839 was appointed commonwealth's attorney, which position he held until 1850. He was for several years county attorney of Mason county, in 1857 state senator, and in 1861, 1863 and 1865 again elected to the lower house at Frankfort, serving as speaker of the same from 1863 to 1867. In 1864 he was a Democratic presidential elector and in 1867 was nominated by the conservative element of the Democracy for governor, but declined to make a canvass. He was widely known throughout the state, liked by everyone, trusted by everyone. The love of truth and of justice, the detestation of oppression and tyranny, were characteristic of his every thought.

He was engaged in all important litigation in his district, and his name appears upon the records of the court of appeals more frequently than that of any other man of his time. He was a Whig while that party was a political entity, and always a Unionist,—casting his whole influence as a member of the legislature against secession. He was an able lawyer, too generous to accumulate money, for his heart was filled with charity toward all mankind.

Mr. Taylor married Miss Charlotte J. Duke, daughter of Dr. Basil Duke, of Mason county, in 1840. Her mother was a daughter of Colonel Thomas Marshall and a sister of Chief Justice John Marshall, of the United States supreme court. Harrison Taylor died suddenly November 28, 1876, at Brookville, Bracken county, while attending court.

JAMES BARBOUR, Maysville, Kentucky.—While the law of heredity is not immutable, but is subject to reversal and modification by surroundings, training, and circumstance, yet, to fully comprehend a man, one must know the antecedents whence he derived his essential nature, as well as the environment by which his manners were formed and his character was molded.

In all these respects the subject of this sketch was exceptionally fortunate. To have been a man of intellectual force, of elevated purpose, of generous impulse and of patriotic action, came to him as naturally as did his lofty stature, his handsome face and his engaging presence. Reared as he had been in a household in which the social virtues were so diligently cultivated, but which was even more distinguished by the high moral tone and devout religious character of all its members, and with the best educational advantages then to be found in the west, it would have been singular, indeed, had not his manners been as dignified as his bearing was manly, as pleasing as his person was attractive; strange, with such broad and liberal culture, had he not united to a vigorous mental endowment tastes and accomplishments that rendered him a distinguished figure in society, at home and abroad;—remarkable had he not combined the highest sense of honor with the finest personal courtesy.

His father, James Barbour, was a native of St. Thomas parish, Orange county, Virginia, born during the closing years of the

struggle for independence. Coming to Kentucky with his parents in his boyhood, he early became a merchant in the town of Danville. Possessing a fine taste for poetry, which he read and quoted with elocutionary effect, and an extended acquaintance with the best English authors, with the manners of a gentleman of the old school, hospitable and a generous liver, while his home was the center of a cultivated circle, he was himself conspicuous in the society as well as in the business affairs of central Kentucky until his death in 1843. In the war of 1812, he served with gallantry as major of Barbee's regiment of Kentucky volunteers, and was known as Major James Barbour. One of his sisters was the wife of the noted Ben. Hardin, lawyer, politician and orator. Their father, Ambrose Barbour, was also a native of Orange county, Virginia, and was a soldier in the Revolution. His wife was Catherine Thomas, one of the daughters of Richard Thomas, and a granddaughter of Philip Pendleton, immigrant from Norwich, England, from whom so many men of that and other names, whose deeds figure conspicuously on every page of our country's history, were descended. The family of Thomas was not less noted for intellectuality than that of Pendleton. Richard Barbour, the oldest brother of Ambrose, was a captain in the French and Indian war, and was the Captain Barbour who, with Hancock and Richard Taylor and others, descended the Ohio and Mississippi rivers from the source of the former to the Yazoo in 1769. Another brother, Colonel James Barbour, was the burgess from Culpeper in 1765, and was a member of the first board of commissioners appointed by the Virginian assembly to settle disputes arising out of conflicting land claims in Kentucky, and which held its court at St. Asaphs in 1779. A third brother, Colonel Thomas Barbour, an eminent lawyer of Virginia, married Isabella Thomas, a sister of Catherine, and they were the parents of Judge Philip Pendleton Barbour, the noted jurist, and of Hon. James Barbour, distinguished as a lawyer, member of congress, governor of Virginia and as minister to the court of St. James. James Barbour, the father of these brothers, an extensive land owner in Orange and Culpeper, and one of the first vestrymen in the organization of St. Mark's parish in 1731, and afterward of St. Thomas, was a man of mark in what was then a frontier county. His wife was of the family of Todd, of which Hon. Thomas Todd, of the United States supreme court, was also a member, of a later generation. This James Barbour, the vestryman, was a descendant of the Lieutenant-Colonel Barbour who was a burgess from Elizabeth City county in 1660. The name has been honorably associated with the history of Virginia and Kentucky almost from the colonial foundation of the mother state.

The wife of Major James Barbour, and mother of our subject, was Letitia, oldest daughter of Willis Green and Sarah Reed. The latter was one of the daughters of John Reed, a native of Ireland, who on his immigration to America first located in the beautiful valley of Virginia, but later became one of the hardy pioneers who settled in Lincoln county, Kentucky, in 1776, when he built the fort called by his name, and from whom and others like him the after generations of Kentuckians derived the best of their distinguishing characteristics. The wife of John Reed was Letitia Wilcox, daughter of John Wilcox, an early and prominent settler of Frederick county, Virginia; her mother, a

native of Ireland, was Letitia Allen, a sister of Colonel Robert Allen and aunt of Colonel Thomas Allen, of the Revolution. The youngest son of John Reed and Letitia Wilcox was Thomas Buck Reed, an eminent lawyer and brilliant orator of Mississippi, who died early, but not before he had attained a seat as United States senator from his adopted state. One of their daughters was the mother of James Gillespie Birney, the founder of the Free-soil party and twice its candidate for president; and the grandmother of Hon. Humphrey Marshall, colonel of the Kentucky cavalry in the war with Mexico, an able lawyer, a distinguished member of congress, minister to China, and a major-general in the Confederate States Army. Sarah Reed, the wife of Willis Green, a woman of fine intellect and of devoted piety, worthy of the vigorous race from which she came, was well mated with Willis Green. The latter was the son of Duff Green, who died in Fauquier county, Virginia, in 1766. Duff was the third son of Robert Green, a native of England, who came to Virginia in 1712 with his uncle, William Duff, at first settled in King George, then became one of the patentees of the first large grant of land in the Virginian valley, in the colonization of which he was active, was the first burgess from Orange county in 1736, and died in that county in 1747. His father, William Green, was a yeoman of the body guard of the Prince of Orange, William III. The fourth son of Robert, and the younger brother of Duff Green,—John Green,—was a soldier in the French and Indian war, a captain in the Culpeper minute men in 1775, a major in the Continental line, was promoted colonel of the Sixth Virginia Infantry for gallantry in battle, fought at the Great Bridge, was desperately wounded at Mamaroneck, was with Washington all through the campaign in the east, was with General Greene in the south, was at Yorktown, and in consideration of meritorious and gallant service from the beginning to the close of the war was placed upon half pay for life. The mother of Willis Green was Anne Willis, only daughter of Colonel Henry Willis, the founder of Fredericksburg, by his third wife. Colonel Henry Willis was a burgess from Gloucester, was descended from a family of the name who had been seated in Oxford for generations, and one of whom had been chancellor of the university. The families of Cobb and Jackson, who have been so prominent in the social and public life of Georgia, are descended from a half sister of Anne Willis. Her mother, the grandmother of Willis Green, was Mildred Washington, sister of Augustine, daughter of Lawrence, granddaughter of Colonel John, the immigrant, and aunt and godmother of the first president of the United States. The mother of Mildred was a daughter of Colonel Augustine Warner, speaker of the house of burgesses in 1676.

Without going into further detail, it is sufficient to say that the ancestry of James Barbour in all its lines ran back through burgesses and councilors to the earliest days of colonial Virginia, of which they were useful, honored and conspicuous citizens, and beyond them to the best stocks of the English people. His mother's brothers were Dr. Duff, Judge John and Rev. Lewis W. Green. Her sisters were the wives of Dr. Ben. Edwards and of Dr. William Craig.

James Barbour, son of Major James Barbour and Letitia Green, was born in the town of Danville, Kentucky, May 27, 1820. The offspring of pious parents, the surroundings of his earliest years were those of

a household not less well known for the deeply religious character of its inmates than it was for their refined manners and cultivated minds. He graduated at the age of seventeen from Center College, and three years later he graduated from the law school of Transylvania University. At the age of twenty years he went to Florida, where he had relatives, with the intention of practicing his profession in Tallahassee, but abandoning this purpose he returned to Danville and there began the practice of the law in 1840. Of studious habits, uncommonly industrious and persevering, he had come out of the college with a high standing for scholarship in one so young, and at the law school had occupied the front rank among associates, many of whom afterward were distinguished. He continued in the active and highly successful practice of the law in Danville until 1852. During these twelve years he was easily the ablest of his contemporaries at the bar of central Kentucky, and one of the ablest of any age or of any period of the state's history. His practice extended over all the adjoining counties and into many of the remote counties of his section. He was not a brilliant orator nor a fervid declaimer, as were some of his contemporaries. But, with an expressive countenance, a magnificent person, a resonant voice, a graceful manner, he had knowledge of rhythm, that earnestness which is the offspring of sincerity and faith in the justice of one's cause, purity united to virility in both thought and diction, strong common sense, mental poise, which made him a vigorous debater and a most formidable antagonist, whether before a court of equity or a jury. He avoided rather than sought employment in criminal cases, but when he was impelled by personal attachment or his innate love of truth to appear in them he proved himself an advocate of power.

Mr. Barbour regarded the study and mastery of law as an aid, almost as an indispensable part, of the training necessary to the highest success in the prosecution of any business. To him the law was a science, its mastery worthy of and demanding the exertion of the highest and best powers of the human intellect, its profession one of the noblest in which man can engage. From his elevated standpoint the first duty of a lawyer, as of all men, is to honor God, the supreme Lawgiver. Then to uphold the government in its rightful powers; to maintain public liberty, to defend the rights of the weak against injustice, to stand in the breach as the friend of truth, honor, justice, and honesty, which must be the basis of all law. It is safe to say that no man who wished to defraud his neighbor, to take that which did not rightfully belong to him, to cheat creditors out of that which was justly due them, to oppress the widow or the orphan,—no such man ever sought the aid or counsel of James Barbour in his schemes. No fee was large enough to induce him to become the agent of wrong, to soil his own hands, to taint his own honor, to violate the promptings of an educated conscience. His appearance in any case was a guarantee to judge or jury that, in the deliberate judgment of a well-read and singularly clear-headed lawyer, of a sensible, dispassionate, painstaking, many-sided man of business, the merits of the controversy were on the side which he had espoused. Thus his own well established and inflexible integrity of character, which was recognized by every community in which he lived, and by every man who looked into his eyes, was an

unfailing tower of strength for his clients. Despising all chicanery and pettifogging, he dealt exclusively with the law, the facts and the equity of the case before him; he addressed his arguments to the good sense and reason of his auditor; courteous to others, his manly bearing extorted from them the respect that was due to high character and unimpeachable manhood, and the confidence that had been won by an upright and lofty life from his cradle to the grave was ungrudgingly given, and was as freely continued to the end. Mr. Barbour became engaged in business pursuits which interrupted the practice of his profession without interrupting his diligent study of the law as a science and as an accomplishment; and into whatever business he entered he showed himself in its prosecution a lawyer at once able and adroit. He was in all things and above all things, and always a fine lawyer, a man of unspotted honor, a graceful gentleman, a devout and humble Christian.

It was inevitable that a man of the marked ability and unswerving integrity possessed by Mr. Barbour should have been frequently honored by his associates in business, educational and religious circles. In 1844 he was appointed by the trustees of Center College to settle the affairs of the large grant of land made by congress to the Kentucky Deaf and Dumb Asylum, a trust which he discharged with the scrupulous fidelity that marked his subsequent business career. He drew the charter of the Danville & Lexington railroad, organized the company and was made its president in 1849, stimulated and gave direction to the spirit of enterprise which led to many similar undertakings in Kentucky and in the west, and by a vigorous canvass among the people raised all the subscriptions by counties which were voted to the project. He was called to other fields of duty and usefulness before any of the money was expended, and was responsible for none of the disasters which beset the management by those who followed him.

On the succession of John L. Helm to the vacancy in the governorship occasioned by the resignation of Mr. Crittenden, Mr. Barbour was, in 1850, appointed by the former to the responsible position of first auditor of the commonwealth, which he held until the inauguration of Governor Powell in 1851. As auditor his marked ability as a lawyer, united to sagacity as a man of affairs, had opportunity for exhibition. In the legal contest with Dr. Robert J. Breckinridge, then the superintendent of public instruction and equally celebrated as a theologian and as the most puissant of controversialists, concerning the disposition of the funds arising from the sale of public lands granted by congress to the states for educational purposes, he came out the victor, and by his boldness and vigor commanded the respect of, and elicited the highest encomiums from, an antagonist who seldom brooked opposition and was most chary of his praise.

To Mr. Barbour, more than to any other one man, are the children of the state indebted for the preservation of that fund as an entirety and its investment in the perpetual bonds of the commonwealth. As auditor he was a member of the board of commissioners of the sinking fund of the state, of which Virgil McKnight, as president of the Bank of Kentucky, was also a member. The state had, under the charter of the bank, the right to subscribe to a large block of its stock, which it was not to the interest of the other stockholders, nor of

the bank as a corporation, that it should do. During the term of Mr. Barbour as auditor the commonwealth needed large concessions from the bank, which Mr. McKnight as its president refused. But upon the demand by Mr. Barbour as an alternative proposition, that the bank should deliver to the board the stock for which the state had the admitted right to subscribe, the wily and far-seeing president found himself forced to yield all that was asked by the state auditor.

In the same year of his appointment as auditor he was elected professor of languages and belle-lettres in Center College, of which he had been trustee since 1845,—a position for which he was admirably qualified alike by his literary tastes and scholarly attainments, but which he declined upon the hesitation of the directors to constitute the chair one also of civics and of law. He continued an active trustee of the college for many years, and in 1853 was elected trustee of the Danville Theological Seminary as well.

Upon the expiration of his term as auditor he resumed the practice of law at Danville with fresh zeal, added experience, and a growing success. But the signal capacity for finance he had exhibited as auditor and as a commissioner of the sinking fund had attracted the attention of his associate, the president of the great state bank, and, instead of treasuring against him the antagonism which has been stated, Mr. McKnight resolved to utilize the talents which had won his admiration in behalf of the institution of which he was the head. Accordingly when, in 1852, a vacancy occurred in the cashiership of the Maysville branch of the Bank of Kentucky, by Mr. McKnight's counsel he was elected to that position, which he continued to hold until 1871. When Mr. Barbour took charge of the affairs of the bank he found a large part of its resources already tied up in loans to different individuals and firms whose affairs were in a precarious condition, and to suddenly press upon whom would not only have brought irretrievable disaster to them and struck the whole of northern Kentucky with panic, but would at the same time have resulted in losses to the bank that would well nigh have wrecked the branch. To pilot the ship amidst such reefs and rocks, and through such a storm to guide her to secure anchor in a safe harbor, required the most consummate address. Failure followed upon failure. The building of the Maysville & Lexington and the Maysville & Big Sandy Railroads was suspended, the stock subscribed by corporations and individuals was lost, the county and city were involved in burdensome bonded debts, a general shrinkage in the values of all real estate resulted, the panic of 1857 followed and was rapidly succeeded by the Civil war. That losses were made by the bank upon loans anteceding his connection therewith, from causes which no human being in his situation could have controlled, which really existed before but which were not developed until during his administration, was inevitable. But he brought to the discharge of his delicate and highly responsible duties in such times of peril and shipwreck not only the conservatism of the old school, and combined with it the highest public spirit, the strictest integrity, and the ripened judgment of the trained lawyer and the man of affairs, but also the soundest and broadest practical sagacity; and by the exercise of this rare combination of qualities, which he possessed in so unusual a degree, he saved many thousands of dollars to the banks, which would

otherwise have been lost, rescued the fortunes of worthy men who would have been bankrupted by a narrow and illiberal policy, and was a bulwark against misfortune in many a household. His was a state bank, and, in his view, owed a duty to the community as well as to its stockholders; and, while he was ever watchful and alert in guarding the pecuniary interests of the latter, he never lost sight of the obligation due to the commonwealth from which it derived its franchise. And so it was, that while he made money and saved money for the bank, he made it a sheet-anchor for the commercial interests of the community and a public benefactor. That those qualities were appreciated and that his policy was approved by the officers of the mother bank, was expressed by them in terms of highest compliment at many times and was manifested by the implicit confidence they continued to repose in his judgment and wise discretion so long as their business relations were maintained. The policy of reducing the capital of the bank and of withdrawing all its branches except that at Frankfort dissolved these relations in 1871. In anticipation of this action, Mr. Barbour had drawn and obtained the enactment of the charter of the bank of Maysville, which he organized and launched upon its remarkably successful business career in September of that year. As its cashier he was its actual business head until 1877, when, upon the death of the president, the late A. M. January, he succeeded that gentleman in that position, which he continued to fill until his death. In the Bank of Maysville, unembarrassed by the difficulties which beset him from the beginning to the close of his connection with the Bank of Kentucky, he yet pursued the conservative but liberal methods that had marked his conduct of the affairs of the latter institution. There never was a bank which has had a career of more unbroken prosperity; there was never one which did more for the commercial welfare of the community in which it was located. He had no funds for boom towns or wildcat speculations, he was never without ample means for the movement of crops and produce or for any of the legitimate purposes of trade. He had faithful and capable executive assistants, but his was always the directing and controlling mind. During all these years he was the legal adviser of the bank, as well as its officer.

In 1858 Mr. Barbour became one of the organizers of the Union Coal & Oil Company, of Maysville, whose business was that of manufacturing illuminating and lubricating oil directly from the coal. Perhaps there never was an enterprise which held out fairer promises of successful prosecution or more flattering hopes for the enrichment of its stockholders. But bright as seemed its future it could not contend against fire; against the heavy taxes levied by the government; against the disorganization of its negro labor on the Kanawha during the war; against the forces of both federal and Confederate armies contending for the control of the Kanawha valley, in which its mines and crude-oil works were located; and against the discovery and outpouring of the gushing oil wells,—all of which combined for the prostration of the infant industry. Yet in the face of such odds, against every adverse chance and circumstance, the business of the company, under Mr. Barbour's management and guidance, was carried on both successfully and profitably through a series of years. In the conduct of its affairs, and throughout his active and most honor-

able connection with the company, the highest qualities of Mr. Barbour as a lawyer, as a financier, as a capable and practical man of nerve, prudence, and forecast were elicited and developed. If one were called on to designate one part of his long business career which more than any other marked him out pre-eminently as a business man of mental grasp, energy and broad comprehension of detail and principle, of fertility and variety of resource, of force, pluck and indomitable will, the years of his connection with this company would be easily selected. Three-fourths of the stock was sold to eastern capitalists, who, in graceful and interested recognition of the ability he had displayed, offered him a large salary to sever his connection with the bank and to give his entire time to the affairs of the company. This he declined, but continued in the general management of its business. Finally he felt compelled to resign this position because of differences between his views and those of the new purchasers, and he would not, even under protest, carry out a policy which his experienced judgment instructed him would lead to certain disaster. The swift sequel vindicated his unerring foresight, and proved to the victims that had the policy he urged been followed the property would have been saved to the stockholders. One of the sufferers, who lost a quarter of a million by the rejection of Mr. Barbour's counsels, and who, compelled to seek health in Europe, had left a power of attorney with a brother-in-law, afterward testified his own conviction that his fortune would have been saved had the same authority been confided to Mr. Barbour's hands.

In 1867 Mr. Barbour drew and procured the passage of the law, conducted all the negotiations and raised all the money which led to the resuscitation and completion of the Maysville & Lexington Railroad. But in the culpable mismanagement of its affairs, by which the stock was lost to the subscribers and the road itself passed into hands without interests in common with those of Maysville—a policy adopted against his protest—he had no agency whatever.

He was the leading spirit in the movement to which the people of Maysville owe the construction of the water-works which crown the lofty summit in its rear, and to the free protection from fire which they enjoy. In one word, he was for more than forty years in the front rank of every movement which advanced the material interests of the city and county in which he lived; the friend and liberal promoter of every improvement in the methods of education and the elevation of its standards; the friend and intelligent and trusted advisor of the people in every important enterprise in which they engaged, and which led them onward and upward.

In 1867 Mr. Barbour resumed the practice of the law, at first by himself, afterward in association with Robert A. Cochran, and speedily there came to him and his partner a large clientage and an extended and lucrative practice, which continued until he retired altogether from the active practice a few years before his death.

In the midst of this busy life as lawyer, banker, railroad president, manufacturer, financier, Mr. Barbour never neglected nor slighted his own religious duties nor the religious interests of the community. He became a member of the Presbyterian church at the early age of thirteen; was a ruling

elder in that church for nearly half a century; was a conspicuous figure in all its courts; had represented his presbytery in several general assemblies; and was a commissioner of the general assembly of the Presbyterian church of the United States to the pan-Presbyterian council that met in London a few years ago. He was for many years the teacher of the Bible class and superintendent of the Sunday-school of his church in Maysville. It was well said of him that no care or concern of his church was so small as to be overlooked by him, and that it was upon the prayer-meeting, the Sabbath-school, the Bible class, and the public services of the church at home, and the meetings of its presbytery, synod and general assembly abroad, he loved most to bestow his time and prayers.

On the 20th of May, 1844, James Barbour was united in the bonds of matrimony, by Rev. John C. Young, in the town of Danville, to Miss Elizabeth Graham Foster. She was a native of Natchez, Mississippi, a daughter of Colonel James Foster, who commanded a regiment under Jackson in 1812 and in the Indian wars that followed, with a gallantry and distinction which his chief recognized and in some degree rewarded by an appointment as postmaster at Natchez, then the best office in the south. When Colonel Foster died his widow came back to Danville, and there Mrs. Barbour was reared, was educated, there she was a reigning belle, and there she was married. An accomplished musician, beautiful, dainty, sylph-like, well educated, well bred, religious, of pure and elevated character, she was fitly mated with the handsome, refined, capable, manly man the writer has so feebly described. The union gave every promise of a happy future, and in this the fondest hopes and anticipations of the most sanguine of their friends were more than realized. They lived together more than fifty-two years, honorable, upright, useful, exceedingly happy lives, honored by all; lived to see their sons following their precepts and imitating their example, the one a successful man of business, the other a minister of God's word; lived to see their grandchildren grow up around them, with every prospect of prosperous futures. Mrs. Barbour was a woman of cultivated and æsthetic tastes, observing, careful in speech, sincere,—a Christian woman, with warm sympathies and abiding affections. She was a beautiful and dainty housekeeper, hospitable, kind and benevolent, and made their's a model home. To the close of her life, through years of trial and of illness, Mr. Barbour was a watchful, tender and devoted husband; surrounding the dear one whom he had vowed to shelter and defend with every care for her comfort, with the delicate, gallant and chivalric attention so dear to a woman's heart, and lavishing upon her the tender demonstrations of a nature rich in its store of love. Their lives were of a daily and an ideal beauty, filled with noble purpose, with generous impulse, and with high endeavor, and were worthy of all imitation. Mrs. Barbour departed this life July 25, 1896. The husband, who, throughout all their wedded lives never ceased to be the fondest and most ardent of lovers, followed her to the tomb September 17, 1896. Their bodies rest side by side in the cemetery at Danville, Kentucky.

The following letter written by Justice Harlan, of the United States supreme court, on the occasion of their golden wedding, is deemed a fitting conclusion to this imperfect sketch:

WASHINGTON, D. C., April 23, 1894.

Dear Mr. Barbour:—I received some time since (but cannot just at this time find it) the kind invitation sent to me for the fiftieth anniversary of your marriage.

If my public duties did not make it impossible for me to do so, I would be one of your many friends present on that interesting occasion. My memory goes back more than forty years ago when I was a clerk under you in the office of second auditor, and when one afternoon Governor Helm came into your office and in your presence said, "John, I think I shall make you adjutant-general of Kentucky." I was then about nineteen years of age, and quite naturally said that the governor was jesting with me. He said he was not, and the next day, or within a few days, I was commissioned as adjutant-general.

But I recall another incident connected with our official relations that is more interesting. You found me, on one occasion, scribbling on some paper in the office, and suggested that I ought not to do that. Upon my replying that it was public paper and that the state could stand the loss, you said that I ought not to waste the property of the public any more than I would my own; that wastefulness was sinful and could not be defended under any circumstances. I have never forgotten the lesson thus taught me. It has followed me all my days, and, I trust, with beneficial results.

Let me say, as I do with entire sincerity, that from my earliest recollection I have entertained for you the respect which every one ought to have for a man who under all circumstances has made conscience his guide. You can look back, with comfort, over a long and happy life, controlled at all times by a firm purpose to do what was right and just. I would be much surprised if you were conscious of ever having willingly or purposely done a wrong to any human being.

Please remember me affectionately to all of your household, and believe me

Your friend,

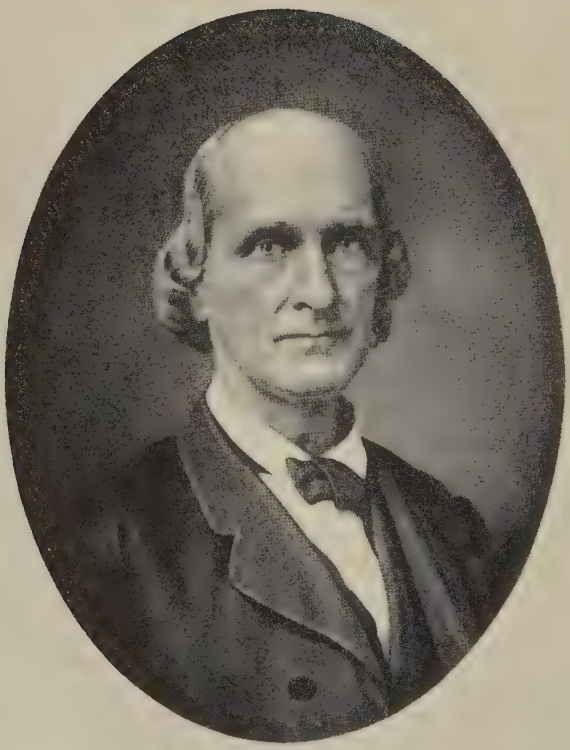
JOHN M. HARLAN.

To Mr. J. Barbour, Maysville, Ky.

—THOMAS M. GREEN.

JAMES PAXTON HARBESON, of Flemingsburg, judge of the circuit court of the nineteenth judicial district, was born on the 4th of January, 1838, in Mason county, Kentucky, a son of Ben and Mary (Paxton) Harbeson. His grandfather, Ben Harbeson, Sr., emigrated from the north of Ireland and took up his residence in Philadelphia, Pennsylvania. He was of Scotch lineage, and his pride was to "owe no man anything and always to speak the truth,"—sentiments which have been the family motto ever since. Ben Harbeson, the father, came to Kentucky in 1832 and married Miss Mary Paxton, a daughter of J. A. and Mary (Marshall) Paxton, the former a distinguished lawyer of Kentucky, and the latter a daughter of Alexander K. Marshall, a brother of Chief Justice John Marshall. It is doubtless from his maternal ancestry that Judge Harbeson inherits his legal mind and natural adaptability for the law, which has made him so ready in the solution of abstruse legal questions.

During his boyhood Judge Harbeson accompanied his parents on their removal to Flemingsburg. He was educated in the public schools of that locality and in a select school conducted by Reverend Seeley, in Maysville, Kentucky. Educated for his profession in the law department of the University of Louisville, he was graduated at that institution in 1859 and began the practice of law in Flemingsburg. He was thus engaged at the time when the sectional



L. W. Andrews.

differences between the north and the south precipitated the country into civil war, and in the first year of that struggle he announced his intention of supporting the Union, enlisting in the federal army. He was elected and commissioned as captain of Company H, Sixteenth Kentucky Infantry, U. S. V., and was later promoted to the rank of major, but in 1863 resigned his commission and removed to Louisville, where he engaged in the practice of law as a partner of Judge Thomas A. Marshall.

Mr. Harbeson was appointed by Governor T. E. Bramlette judge of the city court of Louisville in 1866. In 1874 he removed to Flemingsburg, Kentucky, where he has since made his home, and in 1890 was elected judge of the Fleming county court, which position he afterward resigned to accept the office of judge of the circuit court of the nineteenth district of Kentucky, to which he was elected by popular vote in November, 1892, his term to continue until the close of 1897.

The present wife of Judge Harbeson was Miss Alice Andrews, of Fleming county. Socially, he is a Master Mason, and politically is a Democrat. In manner he is modest and unassuming, but his legal talents are such as to command attention and respect. Said one who knows him well: "His administration of the office of judge of the nineteenth district has been distinguished not only by the inborn fairness and courteousness which is so characteristic of him, but has also been marked by an ability equal to that of any judge who has presided in this district. His judgments, as a rule, have met with the approval of our court of appeals. He is beloved by the members of the profession in his circuit and the citizens in his judicial district."

LANDAFF WATSON ANDREWS, jurist and statesman, and one of the most distinguished men of northeastern Kentucky, was born February 12, 1803, in Fleming county, and died in Flemingsburg, December 23, 1888. His father was a native of Franklin county, Pennsylvania, came to Kentucky in 1792, settling in Fleming county in 1794. He was of Scotch-Irish extraction, a man of great force of character and persevering diligence. He engaged in farming, milling and tanning, and was well liked and regarded as a thoroughly representative man in his community, which he represented in the legislature. He died in 1840. His wife, who was also a native of Pennsylvania and of the same nationality as himself, died in Fleming county, in 1816.

Reared in a comparatively new county, with but few institutions of learning, the advantages for education which L. W. Andrews received were restricted to winter sessions in the neighborhood school until his sixteenth year, when he prepared for college in Washington, Mason county, and in 1820 entered Transylvania University of Lexington, where he was graduated in July, 1824. He studied law under the supervision of Judge W. P. Roper, and was admitted to the bar, January 4, 1886, entering on the active pursuit of the law at Flemingsburg. In October of the same year he married Elizabeth, daughter of Dr. Edward and Juliet Dorsey, of Flemingsburg, where he remained through the rest of his life. He was appointed county attorney in 1828, and annually thereafter until 1839. He was elected as a Whig to the legislature, serving from 1834 to 1838. In 1839 and '41 he was elected to congress from the ninth district; in 1857 he was elected state senator as an independent candidate, and in 1861

was again elected to the lower house of the state legislature, but resigned to assume the office of circuit judge, to which he was elected the succeeding year. He held the office of judge for six years, leaving the bench in 1868 to resume practice.

The predominating traits of his Scotch-Irish ancestry,—indomitable will, fidelity to duty and love of country—were marked attributes of Judge Andrews. Reared in the rugged simplicity of a country home, where hard work was esteemed honorable and idleness a vice, when the artificial elements of society had not entered, but industry and the faithful discharge of every duty, no matter how humble, were the precepts and the performance of each day, the freedom of outdoor life, the necessity of early rising, regularity and promptness in the discharge of the daily tasks, all these inculcated habits of thought and action, which, carried into the professional and official life of later years, produced a well-rounded character fraught with good to the community in which he lived and of lasting benefit to the country that he loved and served so well.

As a legislator in 1861, it was his privilege to participate in the exciting scenes leading up to the strife of armies. He stood there for the maintenance of the national authority and against secession and was foremost in the band of patriotic men who kept Kentucky in line with national union.

His religious training in the Reformed Presbyterian church, to whose tenets he adhered through life although not attached by membership to any church, was an additional guarantee of the rectitude of his every action. As a judge his decision was ever based upon law and practice, without prejudice or preference. Always kind and courteous to litigants and lawyers, he was a favorite with both the bar and the people. An erudite lawyer, a cultured scholar, a kind, considerate, Christian man, he lived and died loved and respected by the community in which he had made his home throughout a long and useful career.

GEORGE MORGAN THOMAS, of Vanceburg, was born in Lewis county, Kentucky, on the 23d of November, 1828. His ancestry were Virginians, and the family has long been identified with the history of this state. He was educated in the common schools of his native county and afterward engaged in teaching school. Thus he entered upon the practical affairs of life, but the law had for him greater attractions than the school-room, and he resolved that his energies should be devoted to that most intricate science of jurisprudence, which deals with the rights and liberties of man, and which, on account of the ever-changing conditions of civilization, is the more complex and abstruse. He was admitted to the bar in 1850, and in July of the same year was married. His only daughter is the wife of Judge Samuel J. Pugh, the present congressman from the ninth district of Kentucky and his law partner.

In the year in which he began practice Judge Thomas was elected school commissioner and for nine years held that office, materially advancing the interests of education by his advocacy of wise and practical measures in behalf of the schools. In 1854 he was elected county attorney of Lewis county, on the Whig ticket. In 1859 he was chosen to represent his district in the state legislature, was present at the extra session which convened in January, 1861, and was one of six members who voted for coercion.

In August of the same year he was re-elected for a second term by a majority of nine hundred and fifty. In September the legislature met in session to discuss the momentous questions concerning the Civil war, and Judge Thomas voted for the raising of men and money to carry on the struggle for the preservation of the Union and the upholding of the nation's honor. He was a most loyal and devoted citizen, and his strong influence was an important factor in keeping Kentucky within the ranks of the states which acknowledged the supremacy of the national government.

In 1862 Judge Thomas was elected commonwealth's attorney for what was then the tenth judicial district, serving for six years. In 1864 he was on the Lincoln electoral ticket and canvassed the ninth district, advocating the election of the martyred president. In 1868 he was a candidate for elector on the Grant ticket and at the same election was chosen county judge of Lewis county to fill a vacancy. In 1871 he was the Republican candidate for lieutenant-governor and made a joint canvass of the state with Hon. John G. Carlisle. In February, 1872, he was elected to fill out an unexpired term of the representative from his district, and in August, 1873, was re-elected to that position by a majority of eight hundred and fifty. In 1872 he was on the Grant electoral ticket for the state at large, and for six years, from 1874, was judge of the circuit court, winning the election by a majority of two hundred and eighty-five over his opponent, Hon. Thomas F. Hargis. In May, 1881, he was appointed United States district attorney for the district of Kentucky, by President Garfield, and discharged the duties of that position for four years. This appointment, the only one made by the president in Kentucky, was a high compliment to Judge Thomas, who had not been an applicant for the office. In 1886 he was elected to congress from the ninth Kentucky district, defeating Judge Garrett S. Wall, the Democratic candidate, by two hundred and eighty-six votes. He refused a second nomination and has since steadily declined to become a candidate for political honors. Since 1850 he has engaged in the practice of law in Lewis and adjoining counties, and is the honored senior partner of the firm of Thomas & Pugh.

Since the organization of the party he has been a leader in the Republican ranks in Kentucky. In public office he has borne himself blamelessly; his devotion to duty and right has been paramount to every other consideration, and he has ever placed country above party and the general good above individual advancement. For forty-six years he has maintained an honorable connection with the bar of Lewis county, and the high and varied character of his practice indicates his superior ability and versatility in his profession.

SAMUEL JOHNSON PUGH, of Vanceburg, was born in Greenup county, Kentucky, January 28, 1850. His father, Samuel Bell Pugh, was of Welsh extraction and was born in Virginia in 1820. In early boyhood he removed with his parents to Kentucky, locating in Greenup county, where, at the age of twenty-one years, he was united in marriage to Miss Mary Ann Jones, daughter of Rival D. Jones, who had come to Kentucky in early life from Vermont. In 1852 he purchased a farm in Lewis county and removed to his new home, where he reared to manhood and to woman-

hood the eleven children born of his marriage. In connection with farming Mr. Pugh carried on a tanning and mercantile business. He was a life-long and influential member of the Christian church, and took great interest in all philanthropic matters. He died in January, 1893, but Mrs. Pugh still survives and at the age of seventy-four is still in the enjoyment of excellent health.

Judge Pugh acquired his early education in the public and private schools of Kentucky. For about five years he was a pupil in the select school conducted by Jacob Rand, formerly principal of the Rand & Richeson Seminary, where General Grant received part of his early training. He afterward spent one year in Chandler's select school at Vanceburg, and one year in Center College, which, with the exception of private instruction thereafter in French and German, constituted his educational course. At the age of nineteen he entered the law office of Judge George M. Thomas, ex-United States district attorney for Kentucky. He closely applied himself to the study of law, largely mastered the science of jurisprudence and was licensed to practice law in the courts of Kentucky in 1872. He shortly thereafter entered into partnership with Judge George M. Thomas, and the connection between them has since been maintained. The firm has enjoyed an extensive and lucrative practice in the local courts and the court of appeals. With a keenly analytical mind, his broad knowledge of law enables him to apply to the law in litigation the principles of jurisprudence which bear most closely upon it, citing authority and precedent until the strength of his case is clearly demonstrated to judge or jury. His deductions are logical and the force of his arguments are shown in the many verdicts favorable to his clients that he has won.

In the year of his admission to the bar Judge Pugh was called to public office, being elected city attorney of Vanceburg for a term of two years. From 1874 until 1880 he was master commissioner of the Lewis circuit court, and in 1878 was elected county attorney, in which capacity he served for eight consecutive years. In 1886 he was elected county judge and served four years, and in 1890 was elected the representative of his county to the constitutional convention, of which he was a valued and prominent member. His comprehensive knowledge of constitutional law and his broad views in regard to state government and the requirements of the commonwealth made him one of the foremost members. He was the author of a section requiring the legislature to establish reform schools, one for girls and one for boys, and against very strenuous opposition finally succeeded in securing the adoption of this measure. He was elected to the state senate in 1893, and there introduced the bill carrying that provision of the constitution into effect, the bill being adopted and passed at the last session of the general assembly. He also led the opposition against the poll tax, against imprisonment for debt, and favored the equalization of burdens of taxation between mortgagor and mortgagee, also took an active interest in the furtherance of all philanthropic movements. He received a high compliment at the hands of the people of his district by his election, in 1895, to the fifty-fourth congress, receiving a majority of seven hundred, when at the last election the district had given about three thousand Democratic majority. When congress convened he was made a member of two important

L. L. Mayne

committees, — on education and on war claims.

The judge is a Knight Templar Mason, and has been master of the blue lodge and high priest of the chapter. He is also an Odd Fellow and a member of the Phi Delta Theta society. He has been an active and influential member of the Christian church for the past thirty years, for fifteen years served as elder and for the past ten years has been superintendent of the Sunday-school.

He wedded Mary Araminte Thomas, only daughter and child of Judge George M. Thomas, and they have four children: Bessie Helen, wife of F. A. Fitch; Nellie May, Beulah Louise and Bruce Thomas, the last named being now thirteen years of age.

LABAN T. MOORE was born in Cabell county, Virginia, January 13, 1829, and died in Catlettsburg, Kentucky, October 9, 1892. His father, Frederick William Moore, was a descendant of Frederick II, of Prussia, and was born in Stockholm, Sweden, in 1779. After making a tour of the Old World in 1809 he landed at Philadelphia, Pennsylvania, and became engaged in the manufacture of nails on a large scale. In 1812 he married Miss Pamelia Van Horn, of the historic old family of that name, and after the second war with Great Britian removed to the then far west, locating in Cabell county, Virginia, in 1817. He was an active business man and was prominently identified with the development of industries in that locality. He was elected to the legislature of Virginia in 1841 and again in 1848. He died at the age of ninety-three. He had a brother, Laban, who served in parliament, and his sister Rebecca became the wife of a nobleman. Mr. and Mrs. Moore were the parents of eleven children, five sons and six daughters, namely: John Benard, William Frederick, who served in the Kentucky legislature before the war and was a contemporary of Thomas F. Marshall and George R. McKee; Laban T., Frederick R., Henry Holcombe, Sarah, Frances, Mary, Elizabeth, Chattie and Rebecca. Only five of this number are now living.

At the age of nine years Laban T. Moore was sent to Marshall Academy, in Virginia, where he pursued his studies for a few years and then became a student in Marietta College, in Ohio, where he won the degree of Master of Arts. His father, holding the opinion common to most Europeans,—that every boy should be taught a trade in order that he might be able to earn his living by manual labor if necessary,—Colonel Moore learned the tanning business; but when this was completed he desired to devote his energies to a professional career. From early life he manifested a fondness for the law, and studied for the bar in the office and under the direction of Rochester Beatty, of Washington, Mason county. A year later he entered the Transylvania University, at Lexington, and subsequently continued his studies under the guidance of Hon. Richard Apperson, of Mount Sterling, in 1848–9. In the latter year he was admitted to the bar and located in Louisa, Lawrence county, Kentucky, where he was soon established in an excellent paying business. His clientage was extensive and of a distinctively representative character. His career as a member of the legal profession was a successful one from the beginning. He was conspicuous for his great energy and

early arose to a prominence which he maintained for thirty years. He possessed the gift of eloquence to a remarkable degree, and this, combined with his accurate knowledge of law, gave him a power that made him a formidable opponent in a forensic encounter. His fellow members of the bar acknowledged his superior talents and skill, and young men found him especially helpful. He was always ready to aid and encourage young men just starting out in the law, and admitted to partnership several such, his last partner being his nephew and namesake, Laban T. Everett. The connection was formed in 1887 and continued until the death of Mr. Moore. Mr. Everett still occupies his uncle's office, possesses his law-books and is practicing with the zeal and energy that shows the highest appreciation of his association with a mind so rich and rare as was that of Laban T. Moore. The integrity which made powerful the influence of his uncle—for his word was as good as his bond—has also made him prominent among the members of the bar in this section of the state.

One of the marked characteristics of Colonel Moore was his devotion to interests that he believed would promote the public good. No man was more active and influential by word and deed on the side of whatever tended to the good of county, state or nation. He was a Whig in politics and an active advocate of advanced ideas. His theory of government and his pronounced opinions in favor of higher education cost him a seat in the state legislature, for which the party presented his name in 1857; but in 1859 he became the Whig candidate for congress in the eighth congressional district of Kentucky, and was elected over a prominent adversary, Judge James W. Moore. His position in congress was a unique one. He was fearless and undaunted in defense of what he believed to be right. He separated himself from the congressmen of the south by voting for the Morrill tariff bill, a measure whereby a revenue could be secured sufficient to prepare for and carry on the war for the preservation of the Union. He was strongly opposed to secession and delivered in congress one of the most patriotic, loyal and eloquent addresses on "An Undivided Country" ever heard in behalf of the Union. It won a merited compliment from Roscoe Conkling and other prominent statesmen, and elicited the highest praise of the press.

When congress adjourned Colonel Moore immediately returned to his home to exert his influence in support of the Union among his constituents, and no man had a stronger influence than he. He espoused the cause of the national government with a zeal and fidelity worthy of the stern integrity of the man, and more than all others turned the people of the mountains of northeastern Kentucky to the Union cause. He raised and enlisted the Fourteenth Kentucky Infantry and was elected the first colonel of the regiment, but shortly resigned his commission and removed from Louisa to Catlettsburg, Kentucky, where he resumed the practice of law, which he continued with uninterrupted success until his death. After the war he affiliated with the Democracy, and on that ticket was elected, in 1881, to the state senate, where he served with marked ability and fidelity. He was also elected a member of the constitutional convention of 1890–1, and was regarded as one of the leaders of that memorable body which formed the present organic law of Kentucky. He ever held country above

party, and while he usually voted and acted with the Democracy he fearlessly advocated what he believed to be right, though in opposition to every member of the party.

Colonel Moore was perhaps most widely known as a lawyer, for at the bar he attained an eminence that gave him a most enviable reputation. Before a jury he was a most powerful advocate; magnetic influence was combined with incisive logic, and his flights of oratory often carried with him judge, jury and all auditors. On both sides of the Big Sandy river, in West Virginia and Kentucky, he advocated the cause of right against the wrong with an eloquence that has never been excelled since the days of Richard Menefee, and his impassioned utterance, his earnestness and fervidness of truth were well worthy to be compared with Kentucky's most brilliant statesman.

On the 15th of January, 1850, Colonel Moore was united in marriage to Miss Sarah Everett, a lady of great beauty, intelligence and culture, who made his home in Catlettsburg the center of great domestic happiness as well as of social enjoyment and refinement. Her father, Colonel John Everett, was born in Albemarle county, Virginia, in 1788, and was married there to Sarah Woodson. They soon afterward emigrated to the valley of Guyandotte, Cabell county, Virginia, then considered a remote western district, where he became one of the leading citizens. He was elected to the state legislature for seven successive terms, was justice of the peace for fifteen years, and filled the offices of sheriff and commissioner of revenue, and was a strong partisan of the Clay school. He died July 14, 1871. Colonel and Mrs. Moore had six daughters: Felicia Ellis, who was born in Louisa, Lawrence county, Kentucky, January 27, 1851, matriculated in Vassar College in 1870, and in three years completed the regular four years' course, graduating in the class of 1873. In the summer of 1878 she joined a party consisting of her old principal, Maria Mitchell, and a number of college friends, and went to Denver to view the eclipse from that point. Returning home she was attacked with nervous prostration and died on the 30th of October of that year. Mary Frances and Lida Gartrell are living with their mother at Beechmoor, the old home of the family. Minne Ha Ha was married September 14, 1888, to James S. Patton, who is engaged in the wholesale and retail drug business in Catlettsburg. They have four children, Corinne Moore, Rebecca Everett, Felicia and Laban Moore. Druzilla Nichols was married November 27, 1889, to E. J. Buffington, of the American Wire Nail Company, of Anderson, Indiana, and they have two children, Eugenia and Sarah Louise; and Theodora died at the age of one year. The family home is one of the most beautiful in Catlettsburg, surrounded by grand forest trees and lovely flowers and standing on an elevation which commands a view of the Ohio river as it sweeps with graceful curves by the town. Their home life was ideal and it seemed that Colonel Moore could not do too much to promote the welfare or enhance the happiness of his wife and daughters.

Colonel Moore was a devoted member of the Masonic fraternity and a worthy exponent of the principles of the order whose foundation is mutual helpfulness. Against his integrity or honor naught was ever heard. He was one of nature's noblemen, and upon the history of eastern Kentucky he left the impress of his strong and irreproachable character.

JOHN FRANKLIN HAGER was born in Floyd county, Kentucky, on March 16, 1853, son of Henry G. Hager and Nancy (Franklin) Hager. His paternal grandfather, General Daniel Hager, was born in Virginia, in 1801, whence he emigrated to the Big Sandy valley. General Hager was the first sheriff of Johnson county and senator in the legislature of Kentucky from the Big Sandy district in 1845–6. His son, Henry G. Hager, the father of the subject of this sketch, represented the counties of Floyd and Johnson in the Kentucky legislature in 1854–5. He was a steamboat captain and owner, and navigated the waters of the Ohio and Big Sandy with his boats.

In 1864, Mr. Hager, a boy of eleven years, came to Ashland, Kentucky, and received his academic education in the Beech Grove Academy and public schools of Ashland, and Masonic Academy, of Louisa, Kentucky, and the public schools of Paris, Illinois. After returning from Illinois he was employed as a clerk in the general store of his uncle, S. P. Hager, in Paintsville, Kentucky, and at the age of nineteen became the deputy clerk of the Magoffin circuit court. He then studied law and was admitted to the bar in 1873, and located in Ashland, Kentucky, in 1874, where he became the partner of John W. Hampton. In Ashland, Mr. Hager at once took rank as a young lawyer of great promise and was twice elected city attorney. During his term as city attorney and after, he continued to grow in favor with the bench, the bar and the people until he acquired a commanding and leading position at the bar in eastern Kentucky and had extended his practice to the federal circuit court for the districts of Kentucky and Ohio and the supreme court of those states and the supreme court of the United States.

When, during the administration of Governor S. B. Buckner, the people of Kentucky were appalled at the defalcation of James W. Tate, state treasurer, it was a distinct compliment to the position held by Mr. Hager in the esteem of the governor and the people of Kentucky that he received the appointment from Governor Buckner, as one of the three commissioners to investigate the condition of the Kentucky state treasury. Under appointment from Governor Buckner, Mr. Hager also served two terms as a member of the board of railroad commissioners, acquitting himself with great credit.

Since his retirement from official life he has addressed himself with great zeal to the successful conduct of his large practice. In 1895 he was persistently urged to become a candidate for the Democratic nomination for governor, under most flattering prospects of a successful outcome, but after full consideration he declined to enter the contest. Mr. Hager has always been a Democrat, and as such possesses in an eminent degree the admiration and confidence of his party and its leaders in Kentucky. He is a Mason and Knight Templar and is especially popular in the Masonic fraternity.

As a lawyer, Mr. Hager has the full confidence of the bench and bar of Kentucky. He is careful and painstaking in the preparation of his cases, conservative and cautious in their management and pre-eminently a wise and safe counselor. Besides the learning of the law, he has acquired a familiar acquaintance with a wide range of polite literature, and is charming and inspiring in the social circle. If there is one trait his people recognize as the dominant element

John H. Hager

of his character it is that of "level-headedness." He can be trusted with a man's life or his money or his lawsuit. In the very zenith of his power, intellectual and physical, it requires no prophet to foretell for him increasing usefulness and eminence at the bar and in the forum.

On the 22d of December, 1881, Mr. Hager married, at Catlettsburg, Kentucky, Miss Margaret Elisabeth Maupin, and this union has been blessed by the gift of five children—Gerald, Adele, Richard Buckner, Margaret Maupin and John F., Jr. From this union Mr. Hager has received unalloyed delight, and to no man is it ever given to draw sweeter draughts of pleasure than he enjoys in the home circle presided over by his graceful and accomplished wife.

GEORGE NEWMAN BROWN, of Catlettsburg, was born September 22, 1822, in Cabell county, West Virginia, in a brick house erected in 1810, on the Ohio river bank, and still standing on the present site of Huntington. The family is descended from Sir William Brown, one of the original grantees in the Virginia Charter, granted May 23, 1609, by King James to Robert, Earl of Salisbury, and others, including Sir William Brown. Colonel Henry Brown, son of Sir William, was a member of the Virginia house of burgesses from 1642 to 1651 for Surry county. William Brown, son of Colonel Henry, was a member of the house of burgesses in 1659 and 1660, for Rappahannock county. Maxfield Brown, son of William, was a resident of Richmond county. George, son of Maxfield, resided in King George county. George Newman Brown, son of George, resided in Prince William county, and his son Richard was the father of Judge George Newman Brown, named for his paternal grandfather. The ancestry is thus traced through six generations, Judge George Newman Brown being the seventh in direct line from Sir William Brown.

George Newman Brown, of King George county, Virginia, was a soldier of the Revolution, participating in the siege of Yorktown. His wife was Sarah (Hampton) Brown, related to the South Carolina family of that name. Richard Brown was a major in the war of 1812 and served under General W. H. Harrison in the northwest. His wife was Frances Haney, daughter of Henry Haney, of Bourbon county, Kentucky.

Judge Brown was educated at Marshall Academy, of Virginia, and at Augusta College, of Kentucky, studied law with Judge James M. Rice, of Louisa, Kentucky, and was admitted to the bar in 1844. He was county attorney for Pike county, Kentucky, four terms, represented Pike, Floyd and Johnson counties in the Kentucky legislature in 1849–50, and was largely instrumental in the formation of Boyd county, of which Catlettsburg is the county seat. He removed there in 1860, entering into partnership with Judge Rice. In 1880 he was elected circuit judge and served one term, retiring from the bench to enter into partnership with his son in the active practice. He has been an active participant in the business and judicial history of northeastern Kentucky for half a century, has taken an active part in every enterprise for the promotion of the public weal of his city, county, and state, and has been prominent among the men of the "Sandy basin" in every good work tending to develop the natural resources of his portion of Kentucky.

On the bench Judge Brown was ever a cautious, patient and impartial arbiter of

right and wrong, knowing neither friend nor foe in the administration of justice. He was absolutely fearless in the discharge of his duty, which in the district under his supervision was frequently attended with personal danger. The records of the court of appeals show but few reversals of judgments rendered by him. During his term the celebrated trials of Neal and Craft for murder were held. Judge Brown is justly esteemed by the profession and by the citizens of his section of the state, for his long and untarnished career at the bar and on the bench, for his integrity and fairness, for his intellectual endowments and for his kindly, courteous intercourse with all. He has always taken an active part in the political affairs of the county, being identified with the Whig party until its dissolution and since with the Democracy.

Judge Brown has been twice married. In 1847 he wedded Sophia, daughter of Thomas Cecil, descended from the Cecils of Maryland. She died January 6, 1858. Of this marriage a son, Thomas R. Brown, entered the legal profession. His second marriage was with Maria J. Poage, daughter of William Poage.

Thomas R. Brown was born at Pikeville, Kentucky, June 2, 1854. He was educated at Catlettsburg and Ashland, Kentucky, also in the Southern Collegiate Institute, of Danville, Kentucky, and the University of Virginia, where he pursued his studies from 1872 to 1874. He was graduated at the Louisville Law School in 1876 and entered on the practice. He has been commissioner of public schools for Boyd county, was a charter member of the board of directors of Big Sandy National Bank and the first president of the same. He is an active practitioner and with his father, the leading attorney of Catlettsburg, appearing in almost every important suit. He is a studious, painstaking, careful lawyer, devoted to his profession and to the interests entrusted to his care.

Judge Brown was married in 1878 to Miss Mary Lacky, daughter of Greenville Lacky, of Louisa, Kentucky, an early settler in Floyd county. His wife was a member of the Morgan family. Mrs. Brown is a lady of refinement and education, a graduate of Wesleyan College, of Cincinnati.

JOHN W. KENDALL, of Prestonsburg, Kentucky, member of congress and a prominent lawyer of eastern Kentucky, was a representative of an old family of Virginia. After thorough preparation for and admission to the bar, he became a practitioner of West Liberty and was especially successful in the trial of criminal cases. His keen power of analysis, his quick perception, his logical reasoning and his earnest, impassioned utterances gave him a strength possessed by few. During the Civil war he entered the Confederate service, and, as adjutant of the Tenth Kentucky Cavalry, continued until the close of hostilities. He was twice elected county attorney of Morgan county, the first time when only twenty years of age. For six years he was commonwealth's attorney for the thirteenth judicial district, and was one of the greatest forensic orators who have adorned the bar of eastern Kentucky. Few members of the profession in his section of the state have left a more enduring impression, both for legal ability of high order and the individuality of personal character which impresses itself upon the community than

John W. Kendall. He was a statesman of a broad mind and comprehensive mastery of public issues, twice represented his district in the Kentucky legislature and was a member of the fifty-second congress at the time of his death, March 7, 1892. He was a cousin of John M. Elliott, a member of the thirty-third, thirty-fourth and thirty-fifth congresses, and of the first and second Confederate congresses, and who was, at the time of his assassination, chief justice of the Kentucky court of appeals.

J. W. Kendall was married to Mattie Davidson, a daughter of Samuel P. Davidson, sheriff of Floyd county and a colonel in the state militia. Her grandfather, Alexander Lackey, was a general in the state militia, and was eleven times elected to the Kentucky legislature, where he served with prominence, being one of the most notable members of the assembly. Her maternal great-grandfather, David Morgan, served in the patriot army during the Revolution as a member of a Virginia regiment, and in 1799 removed to Floyd county, Kentucky. He was the first sheriff of that county, and was a member of the Kentucky legislature at the time of his death, in 1815. Mrs. Kendall's uncle, John P. Martin, was a member of the twenty-ninth congress, and her brother, Joseph M. Davidson, an influential citizen of Floyd county, held many prominent public positions, and at the time of his death, in the autumn of 1882, was a candidate for congress, without opposition.

Joseph Morgan Kendall is a son of John W. and Mattie (Davidson) Kendall, sprung from an ancestry conspicuous for strong intellects, indomitable courage and energy; and, endowed by nature with alert mentality, and ambition, he has fully sustained the high reputation of the family and has gained a prominent place in professional and public circles. His elementary education was supplemented by a course in the state college of Kentucky and in the University of Michigan. With a strong inclination toward the law, he thoroughly prepared himself for the bar, and, passing an examination before the court of appeals, was licensed to practice before attaining his majority. He soon proved his capacity to successfully handle important legal interests, and his untiring industry, combined with a fine analytical mind, has enabled him to cope with the ablest members of the bar, and in the forensic combats he has won some notable triumphs. He throws himself with all the earnestness of his nature into the case at hand, and for the time knows nothing save his duty to his client, whose cause he makes his own.

Mr. Kendall is an advocate of the Democracy. He served as clerk in the forty-ninth and fiftieth congresses, and was elected to the fifty-second congress, to fill the vacancy caused by the death of his father in 1892. By reason of ill-health he declined a renomination when it would have been tendered him by his party, but was again elected to the fifty-fourth congress, where his advocacy of many beneficial measures showed that he has the interests of his constituency at heart.

BENCH AND BAR OF KENTON COUNTY.

AN EPITOME OF THE LIFE AND CHARACTER OF ITS MEMBERS.

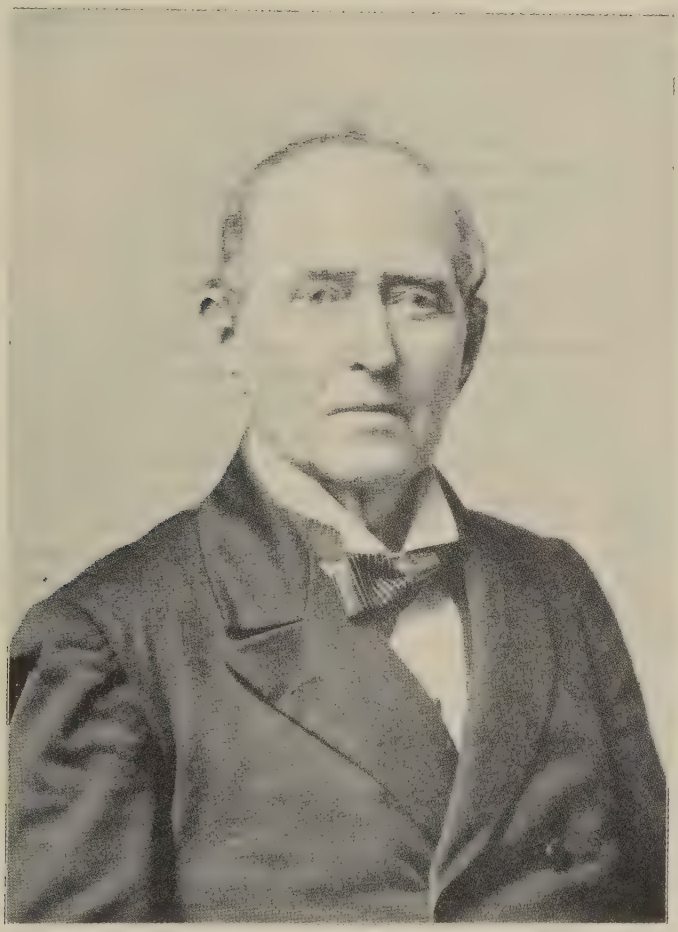
BY JUDGE J. O'HARA, OF COVINGTON.

KENTON COUNTY was created by an act of the general assembly of the commonwealth of Kentucky, approved the 29th of January, 1840. This sketch will, therefore, be limited to the members of the Kenton bar, after the date of its establishment, who have attained a worthy distinction in the profession, beginning with Jefferson Phelps, a Virginian by birth, who had established himself as a leading lawyer in the mother county of Campbell long before the formation of Kenton, and who continued to maintain his well-earned reputation as a lawyer of eminent power, commanding the approbation of the community in which he lived. Mr. Phelps was connected by marriage with the Brokenbroughs of the state in which he was born, eminent among whom was the great judge and professor in the University of Virginia, whose daughter he married. This lady survived her husband many years, and was herself distinguished for her literary attainments and culture.

Hon. John White Stevenson was the son of Andrew Stevenson, for many consecutive sessions speaker of the house of representatives in the congress of the United States, the compeer of Madison, Monroe and Jackson, and the representative of the United States at the court of Saint James under the appointment of President Jackson. This distinguished son of an eminent father was born May 4, 1812, in the city of Richmond, Virginia, educated at Hampden-Sidney College and at the University of Virginia, and studied law under the Hon. Willoughby Newton, a learned and distinguished Virginia lawyer. Upon the completion of his course he located in Mississippi for the practice of his profession, whence he came to Kentucky and associated himself in the practice with Jefferson Phelps, who had married his kinswoman, the daughter of Judge Brokenbrough, and settled in the city of Covington.

Soon after coming to Kentucky he married Sebella Winston, a granddaughter of Colonel John Martin, who had served in the Revolutionary war as a captain, and afterward, upon the establishment of the military post at Newport, having been commissioned a colonel in the regular army, was ordered to the command of the new post, thus being the first commandant thereof.

His partnership with Mr. Phelps having been dissolved, he became the partner of Hon. James T. Morehead, a resident of the city of Covington, and then a member of the United States senate, having before served a term as governor of the state. In 1845 Mr. Stevenson was elected to the house of representatives in the state legislature,



Yours truly
J. O'Hara

and continued a member by successive elections until 1849. He was one of three commissioners appointed to revise the civil and criminal code of the state. He was elected a member of the convention called in 1849 to amend the state constitution, as the representative of Kenton county. The labors of the convention were concluded on the 11th of June, 1850. It is a fact worthy of note that these two distinguished partners, Morehead and Stevenson, were contending candidates for membership in that convention. In 1856 Mr. Stevenson was elected by the people of the tenth congressional district of Kentucky presidential elector, and in that capacity supported James Buchanan for president and John C. Breckinridge for vice-president. In 1857 he was elected to represent the district in the house of representatives in congress and continued therein until 1861, when he, not being a candidate for re-election, was succeeded by Hon. John W. Menzies, chosen at the special election held under the proclamation of President Lincoln for the called session of congress which met on the 4th of July in that year. He was a delegate to the Philadelphia National Union convention of 1866. In 1867 Mr. Stevenson was elected lieutenant-governor of the state, when Hon. John L. Helm was elected governor. The governor took the oath of office on the 8th of September of that year, then on his death bed, and expired within a few hours. The office of governor thereby became vacant and the lieutenant-governor was inaugurated as his successor on the 13th day of the same month. There being more than two years of Governor Helm's term unexpired, under the constitution it became necessary to elect his successor by vote of the people, and Mr. Stevenson was elected to fill the vacancy, in August, 1868, and continued in the office until the 13th day of February, 1871. Governor Stevenson, having in the preceding December been elected a senator in congress, resigned the office of governor.

During the entire time from his admission to the bar Governor Stevenson was an unremitting laborer in the business and study of the profession, especially from the time he came to Kentucky through his official life, with a short interval in the years 1881 and 1882. He was a great lover of his chosen profession, so much so that upon his retirement from the United States senate he accepted a professorship in the Cincinnati Law School, occupying the chair of contracts and mercantile law, in which vocation he continued until his death. He passed away on the 10th of August, 1886, at his home in the city of Covington, surrounded by loving wife and children, whose loss, it need not be said, was irreparable. He died quite unexpectedly after a short illness, with which he was stricken while in attendance upon a convention of his church, the Protestant Episcopal, of which he was a worthy, devoted member.

It can be said to his honor that he was exceptionally and eminently a Christian gentleman, with an abundance of humanity and charity for his fellowmen, with a noble heart overflowing with unbounded, generous impulses toward all who were in need of his kind offices. He was a man of culture and refinement, whose home and heart were ever open, with a kind and generous hospitality to his friends and visitors, who were ever welcome.

This *resume* of Mr. Stevenson's professional and official life would be incomplete without again recurring to his professional associations. In addition to his connection

with the two distinguished lawyers with whom he was first associated in practice upon coming to Kentucky, others are worthy of mention, who at times were connected with him in the practice as partners or students, including the Hon. William B. Kinkead, followed by Hon. M. M. Benton, Harvey Myers as student and afterward partner, James O'Hara as partner, James W. Bryan and William Goebel as students, and later as partners, and the Hon. John G. Carlisle. Messrs. Myers and Carlisle were at the same time students with Mr. Stevenson and Judge Kinkead. Upon their dissolution Mr. Myers became associated with Mr. Stevenson and continued with him until his own death, in March, 1874. On the 1st of June, 1874, Judge O'Hara, who had nearly finished one term of six years on the Kenton circuit court bench resigned his place and united with Governor Stevenson in the practice, and continued that relation for seven years, until the 1st of January, 1881.

At this period the governor resolved to retire from the practice, thinking that he should take what he thought was needed rest; yet, ere long, his rest became irksome to him and he associated himself with Mr. Goebel, who had been his student, and resumed his former habits in the practice of his loved profession, which he continued for a short period. He, however, continued the practice in important cases, but chiefly devoting himself to his duties as law professor in the Cincinnati Law School until his death.

Hon. James T. Morehead, one of the very first of the prominent men distinguished in the affairs of state and in the legal profession who came to the new county of Kenton, was rated as one of the most finished orators of Kentucky, famed as she has been for the presence within her borders of such cultured speakers as Clay, Barry, Bledsoe, Marshall, Menefee, Crittenden, Charles S. Morehead, John C. Breckinridge and others. He assumed the high standing at its bar he had maintained in other parts of the state in which he previously resided and practiced his profession as a lawyer. Mr. Morehead was born in Bullitt county, in May, 1797, and died in Covington, December 24, 1854. He was educated at Transylvania University, Lexington, Kentucky, studied law in the office of Hon. John J. Crittenden, settled in Bowling Green in 1818, and was elected to the legislature from the county of Warren for the years 1828, 1829 and 1830. In August, 1832, he was elected lieutenant-governor with John Breathitt as governor, and on the latter's death, in February, 1834, Mr. Morehead was inaugurated governor and served until 1836. By virtue of his position Mr. Morehead was also ex-officio president of the board of internal improvements for the state. After the expiration of his term as governor he resumed the practice of law at Frankfort, the capital of the state, in 1836, and was elected to the legislature to represent the county of Franklin in 1837. In the winter of 1839–40 he and John Speed Smith were commissioned by the general assembly to visit the general assembly of Ohio, then in session, to solicit from that body legislation whereby an enforcement of the fugitive slave law, in which the people of Kentucky were then greatly interested, might be promoted. In May, 1840, he was selected to make an address to the people in commemoration of the first settlement of Kentucky by Daniel Boone, in 1775, at Boonesboro, on the south side of the Kentucky river, now in the county of Madison. The address of Governor Morehead on that occasion, now preserved in the state library,

is esteemed to be the most authentic and thrilling account of the stirring historic events of that period of the settlement of the country west of the Alleghanies. In 1841 he was elected for a full term in the United States senate, where he served with the distinction that became the grave and reverend senator he was; and few outranked him as an eloquent debater. If Mr. Morehead was announced to address the senate the chamber and galleries were crowded by eager and interested listeners. As a speaker he was remarkable for his fluency and the energy and graceful dignity with which he delivered his utterances and electrified his hearers. He was a statesman, learned and well informed upon all questions of political economy, having an ample store of general information on all subjects. At the time of his election to the United States senate many of the most prominent men of the state had their supporters for that office, including Thomas Metcalfe, ex-governor; John Calhoun; William Owsley, an ex-judge of the court of appeals and afterward governor of the state; Charles A. Wyckliffe, postmaster-general under President Jackson and ex-governor; Richard A. Buckner, ex-judge of the court of appeals; Richard H. Menefee, one of Kentucky's greatest orators; and Christopher Thompkins.

Governor Morehead was physically tall, and with graces of presence and deportment that attend upon culture and refinement and inspire the highest degree of appreciation and respect in the minds of those who themselves have witnessed the display of such qualities that lead, as with silken lines, in the bestowal of the most exalted admiration. Mr. Morehead was a lawyer of the most cultivated class in his profession, reading and scholastic learning fitting him for the adornment of his place in the field of his ambition he had chosen for himself, and well did he fulfill his own hopes and the expectation of his friends. He was always genial and entertaining, and in all assemblages he was the central star of attraction and the cynosure of all eyes.

Hon. Mortimer M. Benton was born January 21, 1807, in the town of his family name, Benton, Ottawa county, New York, and emigrated with his parents to Indiana, where he resided until 1828, when he came to Covington. Having already commenced the study of the law, he connected himself with Hon. Jefferson Phelps, then a leading lawyer of the Campbell bar, of which the county of Kenton was at that time a part, and the connection was continued several years. Mr. Benton was the first mayor of Covington, but held the office only a short time, preferring to apply all his labor to the practice of the law. He was not prone to office-holding. He rather coveted the walks of private life, preferring the society of his wife and children and the practice of the law, to which profession he was fondly devoted.

He was a man of strong and vigorous intellect, well improved by study and devotion to books. In his earlier life he had been a teacher and was always pleased to impart to others anything that would promote their interest and wellbeing. He delighted to receive worthy and ambitious young men into his society and aid them in the acquisition of useful learning and honorable practices. He usually had professional students under his tutelage, and with his masterly ability brought them forward to positions of prominence in the profession. Notably among these was Harvey Myers, who came to Kentucky in his very early

manhood from the state of New York, where he was born. With the kind and generous aid of Mr. Benton he soon attained not only a most enviable place among the leaders of the local bar, but in other parts of the state, where his services were often solicited in important causes in the state and federal courts.

Mr. Benton took great pride in his children, whom he educated with loving care and started well in life. A son was educated in the Naval School at Annapolis, but became through choice a worthy and cherished priest in the Protestant Episcopal church, and has honored himself in the propagation of the religious faith of his father and gained an enviable standing in that church. His other two sons were educated as lawyers, but only for a time devoted themselves to practice, apparently not manifesting the same love for the legal profession that animated their father. Mr. Benton practiced for more than fifty years up to the time of his death, which occurred in May, 1885, being seventy-eight years of age.

Hon. William B. Kinkead, Kentucky born, served as circuit judge under the appointment of Governor William Owsley, before the elective system was adopted in this state. He was located in the southeastern part of the state, and voluntarily retiring from the bench came to Covington, about 1850, and engaged in the practice of law in copartnership with Governor Stevenson, who was then in the prime of his manhood and held a leading position at the bar. When he and Governor Stevenson dissolved their partnership, Harvey Myers and John G. Carlisle, who had been fellow students with those two lawyers, also terminated their partnership, and Mr. Myers entered into partnership with Governor Stevenson, and Mr. Carlisle joined Judge Kinkead. The firm of Carlisle & Kinkead soon assumed a leading position at the Kenton bar.

After a few years' continuance at the practice in Covington, Judge Kinkead returned to Lexington, where he had previously resided, and was soon elected by the people of Fayette county presiding judge of the county court, a most important official and lucrative position, that being the third county in point of wealth and population in the state. The people of that county, appreciative of his able administration of the affairs of that office, retained him in the place until his death, at which time he had attained nearly if not quite four-score years. He was a thorough gentleman, of Christian demeanor, social habits and generous disposition that endeared him to all who knew him. He went down to the grave followed by his sorrowing family and friends, and his memory is cherished and his death lamented with a sorrow that none can feel but those who have known such a true man as he.

John W. Finnell, born at Winchester, Clark county, in December, 1824, the son of Nimrod L. Finnell, a renowned journalist, was graduated at the Transylvania University at the age of seventeen. When nineteen he became the efficient assistant to his father in his editorial profession and labors. He was a fellow student of Richard H. Menefee, one of Kentucky's great orators, in the law department of Transylvania, and graduated in 1841, not yet having attained his majority. He located at Carlisle, Nicholas county, where he soon became a leader of that bar.

Though a member of the minority party in politics in that county, the people elected him, as soon as eligible, their representative

in the legislature, where he served in the session of 1845–6 with John W. Stevenson, the representative of Kenton. At the close of that session General Finnell became the editor of the Frankfort Commonwealth, the state paper, standing in the front rank of the journalistic profession in Kentucky.

In 1848 he was appointed by Governor John J. Crittenden secretary of state, and, when Governor Crittenden resigned to accept the attorney-generalship in the cabinet of President Fillmore, was again appointed to that office by Governor John D. Helm, who, in 1850, became governor as the successor of Governor Crittenden, with whom he was elected as lieutenant.

At the end of his term of office as secretary of state General Finnell removed to Covington, where he resumed the practice of law. He was an expert accountant, which occasioned frequent drafts on his services by the courts requiring his aid in the settlement of the affairs of bankrupt financial corporations and insolvent estates, and of individual estates.

In 1861 the war between the states had begun in earnest, and he became enlisted in behalf of the government. He supported the cause of the Union in Kenton county, and in that year the people called him as their representative in the legislature. In October, the same year, he was appointed adjutant-general of the state forces, and rendered most valiant, able and efficient service in reorganizing and mustering into the public service the volunteer soldiers of the state. In 1863, preferring to return to the more peaceful and quiet walks of private life, he resumed the practice of the law.

General Finnell was a most engaging and finished speaker, and always attracted the attention of his hearers, whether at the bar or on the hustings, and won the good opinion and friendship of all. He was a man of great wit and humor, and in the social circle was incomparable. He was the pride of family and friends, and his open and generous hospitality attracted all to his frank and manly welcome.

He died at Helena, Montana, while absent from his home on professional business, leaving behind him several children: his eldest daughter, Mrs. Howard Hunter, resides in Louisville; and his eldest son, Joseph C. Finnell, educated to the law, now is, and has been since 1882, the clerk of the United States circuit and district courts of Kentucky, residing in the city of Covington. These two children have inherited to an eminent degree the amiable and enviable characteristics of their lamented father.

ROBERT CARTER RICHARDSON was born in Louisville, Kentucky, May 18, 1826, and died in Covington in 1896. He was one of the most prominent members of the Covington bar, honored by the profession and the public. With several of the most notable families of the nation, including the Harrisons, the Jeffersons, and the Randolphs, he was connected by the ties of blood. His parents were Samuel Q. Richardson and Mary H. (Harrison) Richardson, and the former was a distinguished lawyer, who, during his residence in Frankfort, enjoyed an extensive practice in the court of appeals.

Robert C. Richardson was left an orphan at an early age, but acquired a good education and graduated in the academical department of Transylvania University in 1846. After reading law with Judge George Robertson, of Lexington, he was graduated

in the law department of his *alma mater* in 1848 and was admitted to the bar in Lexington. In 1850 he removed to Covington, where for forty-six years he was engaged in the practice of his chosen profession, and during all that time he was regarded as one of the honorable and most capable members of the bar. He was a member of the legislature from Kenton county from 1855 until 1859, when he was succeeded by John G. Carlisle; was superintendent of public instructions from 1859 until 1863; registrar in bankruptcy from 1872 to 1883; and was prominently identified with the public affairs of his city, county and state and the national government during all of the years of a busy and useful life. He is also an author of distinction, and shortly before his death prepared the article on the court of appeals which appears in this volume.

In 1859 Mr. Richardson married Miss Marie Louise Harris, daughter of Colonel Henry C. Harris, who was for fourteen years a member of the Kentucky house of representatives and senate. Mr. Richardson served for one year in the Mexican war, holding the rank of sergeant and acting sergeant-major for a time. During the Civil war he was an uncompromising Union man and had command of two companies of home guards. The same patriotism and loyalty which permeated his ancestors marked his life, and he was ever faithful to his duties of citizenship.

RICHARD P. ERNST, representative of the Covington and Cincinnati bars, was born in Covington, Kenton county, Kentucky, on the 28th of February, 1858. His father was William Ernst and his mother Sarah A. Ernst, formerly Sarah A. Butler, of Lexington, Kentucky.

Mr. Ernst began his studies in Covington, Kentucky, at the school of Mrs. Caddie Madeira, where he remained for several years, then was with Sackett Mead for part of a term, or until that gentleman gave up his school, when he went to Chickering's Academy, Cincinnati, Ohio, in 1869, and there he remained until he completed his academic studies, graduating in the class of 1874. He then went to Center College, Danville, Kentucky, at which institution he graduated in June, 1878, being the valedictorian of his class, and having received other honors during his college course, both from the college authorities and from his literary society.

In October following he entered the Cincinnati Law School, where he was graduated in the class of 1880. At the beginning of his last year at the law school, October, 1879, he entered the law office of King, Thompson & Maxwell, a firm composed of Rufus King, Samuel J. Thompson and Lawrence Maxwell, Jr., and George K. Thompson, and read law there while prosecuting his studies at the law school. Upon graduating he began the practice of law, remaining, however, in the same office. On Mr. Maxwell's withdrawal from the firm a new partnership was formed, composed of Rufus King, Samuel J. Thompson, Channing Richards, George K. Thompson and Mr. Ernst, which continued until February, 1889, when Mr. Ernst withdrew. But continuously since, until June, 1896, through the changes in the firm occasioned by the deaths of Mr. King and Mr. George K. Thompson, he has been associated with this firm, occupying the same offices and acting as counsel with them in many cases. In June, 1896, Mr. Ernst formed a partnership with Edmund K. Stallo, of Cincinnati, Ohio. This firm

has a large law practice, not only in Cincinnati, but in Covington, Kentucky, where Mr. Ernst resides. He was appointed by Judge William H. Taft, of United States circuit court of appeals, in March, 1893, as commissioner of the Cincinnati, New Orleans & Texas Pacific Railway, when the road was put into the hands of a receiver, with the authority to hear and determine suits instituted against the road or the receiver, and is still acting as such commissioner.

He was born in the old Northern Bank building, where his father lived for thirty-nine years, and remained there until September 28, 1886, when he married Susan Brent, the daughter of Hugh T. and Carrie Russell Brent, of Covington, Kentucky. He has two children, Carah Anna Ernst and William Ernst, Jr.

Mr. Ernst has always been and now is a Republican, and has for some years past taken a very active part in local politics in Covington and Kenton county, and especially has he taken a lively interest in city affairs. He was a member of the city council for about eight years, from 1885 until 1893, and had the honor of being the first Republican president of that body since the war, and continued as its president for three years, being elected each year. During his term as councilman he rendered most valuable service to the city, and it was owing to this fact that the last time he was a candidate he was elected by an overwhelming majority over the Democratic candidate, though the electors were from the city at large and Covington is largely Democratic. Mr. Ernst is now, and has been for some years, chairman of the Republican county executive committee. He was also a candidate for representative in congress at the election held in November, 1896, and, although receiving about four thousand more Republican votes than ever before cast in the district, he was defeated.

He has been, since July, 1891, a ruling elder of the First Presbyterian church of Covington, Kentucky, and is president of the Young Men's Christian Association of that city, having been one of its organizers, and is deeply interested in and an active supporter of the different benevolent societies and charitable institutions of that city. He is also a member of the board of trustees of the Eastern Female Seminary, at Oxford, Ohio, now known as The Western, and holds other positions of trust and honor.

THOMAS LAURENS JONES was born January 21, 1819, at White Oak, in Rutherford county, North Carolina, and died in Newport, Kentucky, July 20, 1887. His father, George Jones, was a native of Orange county, Virginia, of Welsh descent, a man of culture and wealth, living at the date of his son's birth on a large plantation called White Oak. His mother was Elizabeth Mills, daughter of Colonel William Mills, of English ancestry.

Thomas L. Jones was educated in the preparatory schools at Spartanburg, South Carolina, at Columbia College, in that state, and was graduated at Princeton College, at Princeton, New Jersey, in the class of 1840, completing a thorough classical and literary course. He entered Harvard Law School and graduated in the law at that great university. After spending several years in traveling in his own and foreign countries, he began practicing law, in 1846, at Charleston, South Carolina. In 1847 he removed to New York city and there engaged in the practice, and in 1849 removed to Newport,

Kentucky, where he remained the balance of his life.

His marriage to Miss Mary K. Taylor, daughter of Colonel James and Susan (Barry) Taylor, on the 12th of September, 1848, was the cause of his removal from New York to Newport. Miss Taylor, whom he espoused, was the granddaughter of William T. Barry, one of the most celebrated of Kentucky statesmen, and her paternal grandfather was General James Taylor, the founder of Newport. She was regarded as the most beautiful and accomplished woman in Kentucky and was withal most lovable in character and disposition.

Mr. Jones became thoroughly identified with the state and was heartily in sympathy with every movement tending to the advancement of the interests of the commonwealth. He was a member of the legislature in 1853, a delegate to state and national conventions, and an active and enthusiastic worker in the interests of Democracy. During the war he was in sympathy with the south, but was nevertheless a Unionist, and, like many in the state, opposed to both secession and coercion. He took no part in the war.

He was elected from the Newport district to the fortieth, forty-first and forty-second congresses, serving from 1867 to 1871, and early in his career in congress introduced and advocated measures looking to the restoration of the rights of citizenship and amnesty to all who participated in the war. His broad, comprehensive views on all subjects of public import, and his eloquent discussion of them upon the floor of congress gave him a national reputation. He was presidential elector for the state at large in 1880. In 1883 he was a candidate for the Democratic nomination for governor, at which time a nomination was equivalent to election. As elector-at-large, in 1880, he had made a very vigorous canvass of the state, visiting every part of it and addressing great gatherings of the people, whose sympathy was with him in his race for governor. He was, however, defeated in the convention by J. Proctor Knott. While justly ambitious of political preferment, he was without guile and above the petty expedients of the mere politician. He was of high moral qualities, strictly honorable and dealt justly with all men; was kind and considerate, charitable to all, liberal, loyal to his friends and without an enemy, and thus won the respect and love of all who knew him. A member of the Protestant Episcopal church, he was active in its work and aided with a liberal hand in the mission and charities maintained by it.

His state of mind, showing its serenity and the beauty of his character in the contemplation of death, is well indicated in a letter written one week before his death, from which the following extract is taken:

"July 13, 1887.

"If I should die in my present illness, I want the following gentlemen as my pall-bearers: * * * My body will be escorted by the pall-bearers to the church, and after the ceremonies conveyed to the grave with as little display as possible. I die in full faith of the Protestant Episcopal church, but entirely without prejudice. I love all Christian denominations. * * * May God bless all mankind! Amen."

His life was pure, unselfish and devoted to his state and county. He was more a statesman than a lawyer; was possessed of sufficient of this world's goods to make it unnecessary that he should labor and therefore he gave much study to questions of

statecraft. His voice was often heard in behalf of the oppressed and in eloquent terms pleading for the right and for mercy. As a public speaker he had few equals. He was truly eloquent and his refinement of expression and command of language, his familiarity with history and literature, rendered his addresses replete with interesting and instructive knowledge. Keenly appreciative of the humorous, he had a fund of amusing anecdotes that never failed to please his auditors and hold their attention. Although not a Kentuckian by birth, he was as devoted and loyal as any of her sons and was greatly beloved by the people of the state.

Of his family of four children, James Taylor Jones died in 1895; Thomas Laurens Jones, Jr., died in his thirteenth year; Laurens Jones in his twenty-fifth year; and Elizabeth Mills Jones is the wife of Brent Arnold, of Cincinnati, and she is the only immediate lineal descendant, combining the lineage of General James Taylor, Hon. William Taylor Barry and Thomas Laurens Jones. The only son of Brent Arnold and Elizabeth Mills (Jones) Arnold bears the name of his distinguished ancestor, Thomas Laurens Jones Arnold.

WILLIAM TAYLOR BARRY, statesman and jurist, was born in Lunenburg county, Virginia, February 15, 1784, and died at Liverpool, England, August 30, 1835. Probably no Kentuckian has ever filled as many or as prominent positions, of varied and responsible character, in a life spanning but fifty-one years, as William Taylor Barry. He served as an officer in the war of 1812, as a state representative, member of congress, speaker of the house at Frankfort, United States senator, circuit judge, state senator, lieutenant-governor, secretary of state, judge of the court of appeals, postmaster-general in the cabinet of President Andrew Jackson, minister plenipotentiary to Spain, professor of law in Transylvania University, and withal was a leading practitioner in his profession. It seems almost incredible that so much could be crowded into one short life, but Mr. Barry was called again and again to high office, honored by state and nation, and discharged his responsible duties in a manner alike creditable to himself and his country.

William Taylor Barry was the son of John Barry, of Lunenburg county, Virginia, and his wife, Susannah (Dozier) Barry, of South Carolina. The Barry family was of Irish descent; the Doziers from the Huguenot emigrants who settled in South Carolina on their emigration from France. John Barry was a soldier of the Revolution, and soon after the surrender of Cornwallis moved to Kentucky, taking up land in Jessamine county, where he died. He early noted the intellectual characteristics of his son and his frail physical developments, and determined to give him the best education that could be secured. Accordingly, William T. Barry was sent to Kentucky Academy, in Woodford county, and later to Transylvania University, at Lexington. He studied law under the instructions of Hon. James Brown, United States senator for Virginia and finished his preparation for the battle of life in William and Mary College, Virginia.

In 1805 Mr. Barry entered on the practice of law at Lexington, Kentucky, was soon after appointed commonwealth's attorney, and, by the earnestness with which he undertook and the ability with which he per-

formed the duties of this office, paved the way to further preferments and greater successes, where his eloquence and superior talents were demanded in the services of his state and the nation. He was elected to represent Fayette county and district in the state legislature in 1807. In 1808 he was appointed lieutenant of a troop of horse, raised principally through his exertion for services in case of a then threatened war with the Indian allies of England, and was soon afterward commissioned captain of the same company. In 1810 he was elected to congress to fill a vacancy caused by the appointment of General Benjamin Howard to the governorship of the territory of Missouri. In 1813 he performed the duties of secretary and aid-de-camp to the venerable and patriotic governor, General Isaac Shelby, then in command of four thousand volunteers, raised in defense of the northwestern frontier. He took part in the campaign, sharing the dangers and the glories of battle, and received honorable mention from General W. H. Harrison, who, in his report to the secretary of war, said:

"I am at a loss how to mention the merits of Governor Shelby, being convinced that no eulogium of mine can do them justice. The governor of an independent state, and greatly my superior in years, in experience and in military fame, he placed himself under my command and was not more remarkable for his zeal and activity than for the promptitude and cheerfulness with which he obeyed my orders. Major-Generals Henry and Desha, and Brigadiers Allen, Caldwell, King, Chiles and Trotter, all of the Kentucky volunteers, manifested great zeal and activity. Of General Shelby's staff, Adjutant-General McDowell and Quartermaster-General Walker rendered great services, as did his aids, General Adair and Majors Barry and Crittenden."

In 1814 Mr. Barry was again elected to the Kentucky house of representatives and was chosen speaker; in 1815 was elected United States senator for Kentucky but retired from the senate to accept the office of circuit judge, tendered him by Governor Shelby. In 1817, however, he was induced by friends to become a candidate for the state senate, during an exciting campaign involving questions of great importance to the state, and being elected he resigned his judgeship. In 1820 he was elected lieutenant-governor by a very large majority, the issue in the state being the enactment of relief laws, of which he was a leading champion. In 1822 he was made professor of law in Transylvania University. In 1824 he became secretary of state, by appointment of Governor Joseph Desha, and on the 10th of January, 1825, he was appointed chief justice of the court of appeals for the new court, created by the repeal of the then existing court, and then was inaugurated the historic contest of the "old" and "new" court, which became a political issue and was continued until finally determined by the repeal of the repeal act and the re-establishment of the old court.

In 1828 Mr. Barry was the nominee of the Democratic party for governor, but was defeated by a small majority. His party, however, carried the state for General Jackson three months later. In March, 1829, on the accession of Andrew Jackson to the presidency, he was tendered and accepted the office of postmaster-general, and performed the duties of that position until 1835, when he resigned on account of ill health. General Jackson, unwilling to lose his distinguished services, appointed him

minister to Spain, hoping that the genial sun of that warm country would restore his health. He sailed to assume the duties of his high office, but died while *en route*, in Liverpool, England.

One of the most brilliant and remarkable men of the age in which he lived, of delicate frame, weighing little, if any, more than one hundred pounds, his mind, active and forceful, dominated over all; his oratory was irresistible, imposing and ornate eloquence marked all his discourse, his gesticulation, though usually violent, was never ungraceful and was always striking. Ever the advocate of the people and favoring every measure advanced for the betterment of their condition, his report in 1821 on the needs of the school system of the state contained the substance of all that has since been done on the improvement of the school system of Kentucky. His advocacy of relief measures and his acceptance of the position of chief justice of the new court of appeals were in line with his accepted and known theory of the power of the people, acting through their duly elected representatives, to make such laws and such changes in the judicial system as might seem best.

As postmaster-general Mr. Barry infused new life into the department. His aim and purpose was, as he expressed it, "to multiply and quicken the streams of intelligence until they should bear its blessings to all,—to our embryo settlements and frontier populations, as well as the older communities of the Republic;" and in this he was signally successful. His intercourse with his subordinates was marked by kindness and urbanity; and as to the conduct of his office no better evidence can be introduced than is contained in the following letter from President Jackson:

WASHINGTON, April 11, 1835.

Dear Sir:—Having received through the secretary of state your acceptance of the mission to Spain, I cannot take leave of you as postmaster general without tendering to you my thanks for the aid and support you have given me, on various important occasions, in performing the arduous duties of my office. In inviting you to represent the interests of your country at the court of Spain you need no assurance from me that the high estimate in which I hold your character for integrity and patriotism remains undiminished. On the contrary, being apprised that your constitution had been somewhat impaired by the laborious duties of the post-office department, it is a gratification that I have it in my power to give you a new manifestation of my confidence in your honor and talents by tendering to you a situation in which you may still render important services to your country whilst seeking restoration of your health.

I pray you to accept my best wishes for the future health and prosperity of yourself and your amiable family, and believe me to be sincerely your friend,

ANDREW JACKSON.

Major William T. Barry.

Mr. Barry was twice married, his first wife being Lucy Overton, daughter of Colonel Waller and Mary Walker Overton, of Virginia. The issue of this marriage, Susan Lucy Barry, became the wife of Colonel James Taylor, of Newport, Kentucky, where her children still live, and to one of whom, Mrs. Brent Arnold, of Cincinnati, Ohio, a granddaughter, we are indebted for much of the data for this sketch. A son, John W. Barry, entered the army and became a major. The second marriage of Mr. Barry was to Miss Catherine Mason, sister of Hon. John T. Mason, of Virginia. But one child of this marriage lived to manhood, Andrew Jackson Barry. A monument standing in the court-house square at Lexington, Ken-

tucky, is inscribed: "To the memory of William T. Barry this monument is erected by his friends in Kentucky (the site being granted by the county court of Fayette) as a testimonial of their respect and admiration for his virtues. His fame lives in the history of his country, and is as immortal as American liberty and glory. He was born February 5, 1784, in Lunenburg county, Virginia, came to Kentucky in his twelfth year, was successively a member of both houses of the general assembly, a judge, a senator and representative in congress, lieutenant-governor of Kentucky, and an aide-de-camp to General Shelby at the battle of the Thames.

"On Andrew Jackson's ascension to the presidency, he was called to his cabinet as postmaster-general, which office he held till the 1st of May, 1835, when he was appointed envoy extraordinary and minister plenipotentiary to Spain. He was elected honorary member of the French State Society in June, 1833.

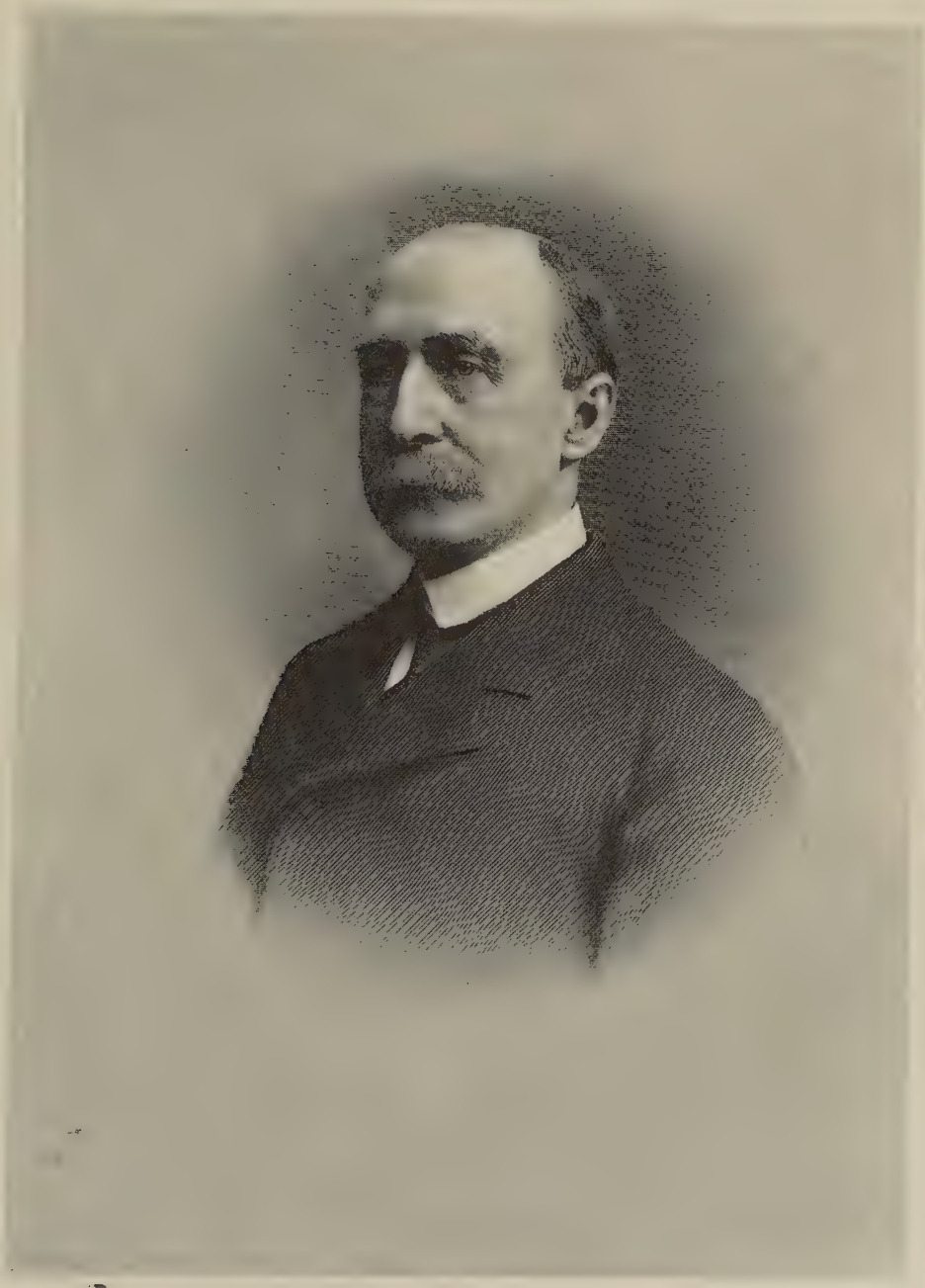
"He died at Liverpool on his way to Madrid on the 30th of August, 1835.

"The remains of W. T. Barry, after reposing nearly nineteen years in a foreign land, were brought back to Kentucky by act of the legislature, and re-interred in the state cemetery at Frankfort with many honors and great respect, November 8, 1854."

His contemporaries on the theater of action were the most renowned men of the state. Associated with him in his espousal of the relief laws and the "new court" were John Rowan, Amos Kendall, George M. Bibb, Solomon P. Sharp, Governor John Adair, Governor Joseph Desha and others; while arrayed against the relief measure were George Robertson, John J. Crittenden, Ben Hardin, Thomas Metcalfe, Henry Clay and others. In combat with such minds as these Mr. Barry was the equal of any and in some respects the superior of all. His personal integrity of act and motive were attested by Ben Hardin, when in congress Mr. Barry's management of the postoffice department was attacked. Speaking of the question, Mr. Hardin, although of the opposition, said: "I will declare, once for all, that I believe whenever the postmaster-general leaves that department he will go out with clean hands, unstained and uncontaminated by plunder, * * * I have known that gentleman for thirty years and served with him in congress. I have no doubts of his honesty. He is a man of talents and has rich and choice gifts as an orator."

GEORGE GILPIN PERKINS, of Covington, judge of the circuit court, was born in Burlington, Boone county, Kentucky, July 10, 1839. His father, John Hilton Perkins, was of the Maryland and Pennsylvania family of that name. His grandfather was William Perkins, who removed from the latter state to Kentucky at the close of the Revolutionary war and settled in Bourbon county, where his son John was born. The wife of William Perkins and mother of John was Nancy Gilpin, of the distinguished Gilpin family of Pennsylvania. Her father, Israel Gilpin, mustered in, and was captain of, the first company of soldiers taking up arms for the Revolutionary cause at Wilmington, Delaware.* His company formed part of the command of Colonel McKinley. Israel Gilpin and a younger brother, Joseph, both of whom were Revolutionary soldiers, emigrated to Kentucky early in the century, and

*Reminiscences of Wilmington. Elizabeth Montgomery, Collins, publisher, Philadelphia, 1851.



Geo G Perkins

Israel is buried in the old graveyard at Burlington, with mention of his honorable military services engraved on his tombstone. His wife was Elizabeth Hannum, to whom he was married in the old Swedes' Church in Wilmington, Delaware, January 12, 1765. Another ancestor of the same name was the Israel Gilpin whose lands were the battle-field of Brandywine and whose mansion house was the headquarters of General Howe during that campaign. The house is still standing and is preserved in history by a well-executed wood-cut in Lossing's Field Book.* The founder of the American family was Joseph Gilpin, who was born in Dorchester, England, in 1664, and died at Birmingham, Pennsylvania, in 1695.†

The wife of John Hilton Perkins and the mother of the subject of our sketch was Maria Robinson Stansifer, daughter of Abraham and Mary (Robinson) Stansifer, the latter born in Bath county, Kentucky. Abraham Stansifer was born in Madison county, Virginia, and was the son of John Stansifer, who when a boy came with his parents from Germany to Virginia, and there married Jemima Clore. John Stansifer brought his family across the mountains to Kentucky after the war for independence, and settled upon lands on Dry creek, then Campbell (now Kenton) county, where the house he erected still stands. His son, Abraham, at the time of his marriage left the paternal acres and settled in Boone county, near the town of Union, where he followed farming and stock-breeding on a large scale. His importations of live stock were the earliest in that section of the state, and his success in the improvement of horses, cattle and sheep is attested by heirlooms of the family in the shape of prizes of plate given at the annual county fairs of Kentucky.

During his boyhood Judge Perkins accompanied his parents on their removal to Covington, where he attended both public and private schools. Later he pursued his studies at Shelby College, Kentucky, and Belmont (formerly Farmers') College, Ohio, where he graduated with the salutatory honors of his class. He then took up the study of law under Judge James Pryor, who was at that time practicing his profession in Covington and who had long been a distinguished circuit judge, first by appointment under one constitution and then by election under another constitution of the state.

Judge Perkins was admitted to the bar in 1863, and through much of his life his legal and political careers were closely interwoven. In both lines of activity he has won distinctive honors. Broad knowledge and thorough understanding of every field of human endeavor are requisites of the successful legal practitioner. Questions relating to almost every conceivable condition of business and social life form the basis of litigation and demand in their settlement the closest analysis. It is largely the keen, analytical mind of the lawyer that makes him the successful political leader, for the capacity for close reasoning and acute investigation, when brought to bear on the policy of the nation, give him a mastery over questions at issue rarely possessed by any other class of men. Judge Perkins early manifested more than a passing interest in the political situation of the country and soon became prominent in the councils of the Democratic party. A fitting ac-

*Lossing's Field Book of the Revolution, volume 2, page 377.

†American Ancestry, volume 4, page 60. Joel Munsell's Sons, publishers, Albany, New York, 1889.

knowledgment of his ability was his election to the general assembly in 1867, as the representative from the then first legislative district of Covington. He was appointed a member of the important committees on judiciary and codes of practice in that body, and served with conspicuous credit throughout the long sessions of 1867–68 and 1868–69, which followed the close of the Civil war, during which sessions there was enacted the legislation that adjusted the old conditions in a border southern state to the new and complicated conditions brought about by the war. It was a legislature selected with reference to such difficult and important work, and was not only a body composed of strong men but also embraced many who had won distinction in the past. Judge Perkins' part was modest, but earnest and intelligent. He has often been heard to say that his legislative experience on the two leading law committees with old and trained lawyers and statesmen was a legal education to him. He was one of the youngest of the few young members, but his application to his legislative duties, for which he showed fondness and exhibited talent, secured for him in that strong body the most flattering recognition. He was unwearying in committee work, was a fluent and forcible debater and his parliamentary capabilities took him often from the floor to service in the speaker's chair.

In 1869, before the close of the legislative term, he was elected judge of the Kenton county court for an unexpired term, and by re-election in 1870 was continued in that incumbency until 1874. In that year, and while still serving as county judge, he was appointed by the governor to a vacancy on the bench of the criminal court of the twelfth judicial district, composed of the counties of Bracken, Harrison, Campbell, Kenton, Pendleton and Robertson. He was in the same year elected to the unexpired term of four years, and was continued by subsequent re-elections judge of that court until the close of 1892.

The new constitution of Kentucky, which went into effect in January, 1893, wiped out all courts with jurisdiction concurrent with that of circuit courts, and also all intermediate courts, leaving the way clear between the circuit courts and the final tribunal, the court of appeals. The basis of a judicial district having been made a population of sixty thousand, Kenton county became a separate judicial district, with a court of continuous session, with exclusive jurisdiction of all equity, common-law and criminal causes. At the election in November, 1892, Judge Perkins was chosen to the bench of the new Kenton circuit court, over contestants and under circumstances that testified to his judicial and legal standing and to the high regard in which he is held by the community with which his life and work have been identified. In the year in which this is written, 1897, he will complete, if he lives, an uninterrupted incumbency of public office covering a period of thirty years. His record is almost unparalleled in the history of Kentucky jurisprudence, for in 1869 he retired from the contests of the legal arena and for more than a quarter of a century has successively presided over county, criminal and circuit courts.

Speaking of his long judicial service, Smith's History of Kentucky said of him some years ago—and its truthfulness has been emphasized by subsequent events—that "it is doubtful if any man of his age has continued in such a position so long, and the

public confidence has been won by marked capacity and fidelity to everything belonging to the high trust. But few men are more popular or live more in the affections of their constituents."

Judge Perkins' success in politics came from carrying into that field character and honorable dealing. His career on the bench has been characterized by the application of simplicity and directness to forms and procedure and a dispatch of business, without a sacrifice of the dignity that belongs to the place. He encourages, if not enforces, promptness, simplicity and directness in the practice before him also. As a judge he is an industrious and also a quick and ready worker. The docket of his court is kept free from accumulated cases, and his opinions are well considered, clear, terse and strong and rarely reversed. He is able, fearless and just, and no political prejudice or zeal could deflect his mind from its honest and intelligent convictions.

Judge Perkins is, notwithstanding, a thorough Democrat, and in 1872 was a delegate to the Democratic national convention held in Baltimore, where he served as the Kentucky member on the committee on permanent organization and rules. The following year he was president of one of the most important Democratic state conventions of Kentucky. In 1884 he was appointed by President Arthur to represent Kentucky at the New Orleans world's fair, and he was for many years a director in the Southern Immigration Society of America.

Judge Perkins married Lavinia Smith, of Madison, Indiana, on June 7, 1864. Her father was Irby Smith, of Virginia, but, both parents dying while he was quite young, he was brought to Kentucky by his uncles and reared by them in Bourbon county, afterward settling at Madison, Indiana. He married Ann Maria Todd, whose father was Robert Todd, a nephew of John Todd, who fell at the battle of the Blue Licks, and a son of Owen Todd, who was a gallant young soldier of the Revolutionary war. Owen Todd, at the close of that war, was commissioned a lieutenant in a Fayette county troop of militia cavalry, by Governor Edmund Randolph, on January 9, 1788, and afterward as the captain of the troop, by Governor Beverly Randolph, on December 5, 1789. The Judge's children are a daughter, Anna Todd, and a son, Gilbert Brooke.

WILLIAM H. MACKOY was born in Covington, Kentucky. His father's great-grandfather, James Mackoy, emigrated from Scotland and settled in King William county, Virginia, about the year 1718, where he married Sarah, daughter of Charles Gresham. John Mackoy, a son of James, moved to Campbell county, Virginia, and was there married to Martha Roberts. A son of this marriage, another John Mackoy, married Lavinia, daughter of Moses Fuqua by Judith, his wife (*nee* Woodson), and moved to Greenup county, then a part of Mason county, Kentucky, where he purchased and settled upon a farm in the fertile river bottom, ten miles below the town of Greenup.

A son of this last union, John Mackoy, father of the subject of this sketch, was born there, and moved thence to Covington, where he resided more than fifty years, until his death, April 6, 1882. For forty years preceding his death he was one of the elders of the First Presbyterian church of Covington. He took a prominent part in every-

thing that pertained to the moral and material development of his place of residence, and enjoyed to the fullest extent the esteem and confidence of his fellow citizens. The mother of W. H. Mackoy was Elizabeth, daughter of William Hardia and Elizabeth, his wife (*nee* Timberlake), of Fredericksburg, Virginia, who became the wife of John Mackoy several years after he had taken up his residence in Covington.

W. H. Mackoy was prepared for college in Covington, entered the University of Virginia at an early age and was graduated a Master of Arts of that institution. He then read law, first in the office of Hon. M. M. Benton, of Covington, and afterward in the office of Hon. George E. Pugh, of Cincinnati, Ohio. In the year 1866 Mr. Mackoy began the practice of the law in the city of Cincinnati, Ohio, retaining his home in the city of Covington, which has always been the place of his residence. The duties of his profession he has pursued, however, in the state and federal courts, both of Ohio and Kentucky, and for many years he has enjoyed a practice which has required and received his close attention.

From the commencement of the year 1883 to the close of the year 1889 Mr. Mackoy served in the municipal council of Covington. During that time he was chairman of the law committee of that body and was able to render valuable services to his fellow citizens, the most important of which was the drafting, and procuring the passage by the legislature of Kentucky of the amendment to the charter of Covington, under which were constructed the large and well-built reservoirs situated in the Highland district, south of Newport, Kentucky, which supply the city of Covington with water.

In the summer of 1890 Mr. Mackoy was elected as one of the two delegates from the city of Covington to the Kentucky constitutional convention of 1890–91. As a member of that body he served on the committees on corporations and municipalities, drafted the articles of the constitution relating to those subjects, took an important part in the debates of the convention and was appointed by the convention as one of the committee to prepare and publish an address for distribution over the state summarizing the more important features of the new constitution. At the adjourned session of the convention he was a member of the committee on revision, and rendered efficient service in making corrections in the draft of the constitution which were necessary to make it consistent in all its parts and as a whole.

Mr. Mackoy has always been an active Democrat, but he refused to be bound by the action of the Chicago convention of 1896 and declined to support the candidates for the presidency and vice-presidency nominated by that body. He was a delegate from his county to the sound-money state Democratic convention of Kentucky, which met at Louisville, August 20, 1896. In the month of September following he was one of the delegates from his congressional district to the convention of the National Democratic party which met at Indianapolis, and during the campaign which followed he took an active part on behalf of the nominees of the Indianapolis convention. In January, 1897, he was a delegate from the Commercial Club of Covington to the monetary conference at Indianapolis.

November 18, 1868, Mr. Mackoy was married to Margaret Chambers Brent, of Paris, Kentucky, daughter of Hugh Innes Brent and Margaret, his wife, and a grand-

daughter of John Chambers, of Mason county, Kentucky, who represented his district in the congress of the United States for several years and was territorial governor of Iowa during the administrations of Harrison and Tyler. The offspring of his marriage to Miss Brent are two sons: Lewis D. and Henry B. Mackoy, and one daughter, Elizabeth C. Mackoy. Lewis D. Mackoy is engaged in business in Cincinnati. Henry B. Mackoy, a graduate of Yale University, completed his legal studies this year—1897—and entered upon the practice of law, in connection with his father.

HARVEY MYERS, of Covington, was born December 24, 1859, and is a son of Harvey Myers, Sr., a distinguished jurist of this state, whose name is inseparably interwoven with the history of the bar of northern Kentucky. He was born in Chenango county, New York, February 10, 1828, but during his boyhood went to the west and through his own persistent efforts managed to acquire a good education to fit him for life's responsible duties. About 1852 he became a resident of Trimble county, Kentucky, where he engaged in teaching school and reading law. His mastery of the principles of the science of jurisprudence secured his admission to the bar and a few years later he established a home in Covington, where he maintained his residence until his death. He formed a partnership with John W. Stevenson, who about the same time was elected governor of Kentucky and enjoyed a most extensive practice. He also prepared and published the first Code of Practice of Kentucky, and in 1867 compiled and published a supplement to the General Statutes of Kentucky, known as Myers' Supplement, both volumes being important additions to the law literature of the state. In politics he was a Republican and was elected by the Union party to the legislature in 1865; but when he learned that bayonets were used at the polls in his behalf he declined to serve, voicing his declination in a speech which breathed the highest patriotism and loftiest moral courage. He met his death at the hand of a disappointed litigant whom he had opposed in the courts and by whom he was shot March 28, 1874. The bar of the county passed resolutions which indicated in no uncertain manner the high regard in which he was universally held and paid fitting tribute to his superior legal attainment and high personal worth.

Such was the man whom Harvey Myers, of this review, had the honor to call "father." Fortunate is he who can claim descent from an ancestry distinguished and honorable, and happy is he if the lines of his life are cast in harmony therewith. Harvey Myers, Jr., was carefully reared in a home where culture and intelligence occupied their rightful place, and the father, ambitious for his son, gave him good educational privileges, realizing how necessary to success in any walk of life is broad and varied knowledge. Mr. Myers made good use of his opportunities, and after leaving the public schools of Covington began reading law in the office and under the direction of the Honorable Theodore F. Hallam. In 1881 he was admitted to the bar and for thirteen years thereafter engaged in practice as the law partner of his former preceptor.

The world instinctively pays deference to the man whose success has been worthily achieved, who has acquired high reputation in the calling to which his energies have been directed, and whose social prominence is

not less the result of an irreproachable life than of recognized natural gifts. It is pleasing indulgence to write the biography of such a man, and Mr. Myers is a representative of this class. His life has been devoted to labors wherein wealth and influence availeth little or naught, the measure of success depending upon the mentality, intellectual requirements and broad culture of the individual. He realizes to the fullest extent how necessary is the careful preparation of cases and never enters the court-room illy prepared. His analysis of the facts is clear and exhaustive and he sees without efforts their relation and dependence, which enables him so to group them as to throw their combined force upon the point they are intended to prove. His success has been most satisfactory and his clientage is extensive.

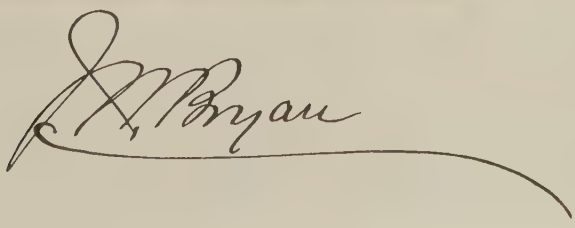
Mr. Myers has for years been one of the acknowledged leaders in the Democratic party in Covington. In 1886 he was elected on that ticket to the Kentucky general assembly, was three times re-elected, and in 1889 was chosen speaker of the house of representatives, proving one of the most popular presiding officers that has ever served in that body.

On the 9th of November, 1888, Mr. Myers was united in marriage to Miss Carrie Wells, daughter of H. B. Wells, of Memphis, Tennessee. They have four children. Mr. Myers is exalted ruler of the Covington Lodge of Elks, serving a second term, and has taken a high degree in Masonry. He is public-spirited and lends his hearty co-operation to movements and enterprises calculated to advance the city's welfare. Although a stanch Democrat he has the respect of the opposition; although an opponent in the forum of many able members of the bar, his courtesy and fairness make him universally esteemed, and in the circles of private life the number of his friends almost equals the number of his acquaintances.

JAMES WILLIAM BRYAN, of Covington, was born on the 9th of June, 1853, near Millersburg, in Bourbon county, Kentucky. His parents were Lawrence and Katharine (Power) Bryan, both born in Ireland. They came to this country when young,—high types of the energetic and intelligent Irish race, from the garden part of their native country, county Limerick,—and took up their home in one of the foremost counties of the famous blue-grass belt of Kentucky, where they resided until their deaths, deservedly enjoying the confidence and respect of all with whom they came in contact.

Young Bryan was educated in private subscription schools in the county of his birth, and at the Kentucky Wesleyan College, in which he graduated, the valedictorian of his class, on the 8th of June, 1873. During several years of his collegiate course he was the beneficiary of one of the "William Garth Fund" scholarships, conferred after competitive examination by the Bourbon county court.

In August, 1874, he entered, as a student, the law office of Stevenson & O'Hara, at Covington, Kentucky, probably the strongest law firm of its day in northern Kentucky. Stevenson had been a member of congress and governor of the state, and was then a United States senator. O'Hara had served as circuit judge, and recently resigned his place on the bench to again enter the practice. Such was his application and his natural ability for the law that, in the short space of six months, Mr. Bryan underwent an examination that disclosed his thorough



readiness for beginning the practice of the profession, when, on the 29th of January, 1875, he was admitted a member of the bar. He made no mistake in the selection of his life work, for, after remaining a short time with his instructors, taking such part as was assigned him in their office and court practice, he naturally, by the force of the assiduity he exhibited and the powers he unfolded, became a member of the firm under the new name of Stevenson, O'Hara & Bryan. With Covington as the center, the law firm took a leading part in the important and lucrative litigation of that portion of northern Kentucky, and also in many of the notable cases in the state and federal courts of Ohio, holding sessions in the city of Cincinnati.

This partnership continued until July 1, 1881, when Governor Stevenson retired. Judge O'Hara and Mr. Bryan continued in increasingly successful and prominent practice, under the firm name of O'Hara & Bryan, until February 1, 1893, when the partnership was dissolved, each continuing the practice separately.

For quite a time in his career Mr. Bryan took much interest in, and exhibited great aptitude for, politics. He was chosen a Democratic elector in the national campaign of 1880, made a brilliant canvass, and as messenger bore the vote of the electoral college of Kentucky to Washington for the Democratic candidates, Hancock and English. He is a forceful and captivating speaker, has the presence, the voice, the graces and the command of language of an orator, together with a grasp of subject and logical force of arrangement that on the platform give his utterances great charm and in debate make him a formidable antagonist.

In 1885 Mr. Bryan was chosen, without opposition from either political party, senator from Kenton county in the general assembly of Kentucky, for a term of four years. On entering the senate, although one of the youngest members of that body, he at once took and maintained a leading position in all its deliberations. Such was his success as a legislator that during the running of his term, at a Democratic state convention, held in May, 1887, he was unanimously nominated for lieutenant-governor on a ticket headed by General Simon Bolivar Buckner, for governor. He immediately resigned as state senator, and after a thorough canvass of the state, often speaking twice a day, was elected along with the other Democratic nominees at the ensuing August election, but with a vote well in excess of that of any other candidate chosen.

His personal and political relations with the governor were close and cordial. Matters of state during the next four years made calls of an unusual frequency and duration upon the governor outside of the commonwealth, and during his absence Lieutenant-Governor Bryan discharged the duties of the executive with marked ability and dignity. He presided over two unusually long sessions of the Kentucky senate, during one of which an important impeachment trial was had. But one appeal was ever taken from his rulings; and that, by a vote of twenty-nine to one, the senate refused to entertain. His legislative career upon the floor of the senate and as its presiding officer, and his services as temporary executive established him as one with the talents, the courage and integrity to adorn and exalt public office, and his personal and political friends confidently looked forward to a brilliant future for him in that field. But, notwith-

standing preferment that seemed assured, he at the close of his term as lieutenant-governor on September 1, 1891, resolutely announced his determination to seek no further political preferment; for while his experience in public office had been most pleasant, his preference was for the practice of his profession.

His law practice, somewhat interrupted by his public duties, has since steadily increased in volume and importance until his services are in constant demand. That his legal attainments and capacity are of a high order is shown by the success he has attained and which is evidenced by the frequency of his name as attorney in the state, federal, United States circuit and supreme court reports. To his well-known strength as a lawyer there is allied a sense of responsibility and a habit of punctuality that have brought to him, with the naturalness of water seeking its level, a numerous *clientele* largely representing railroad, banking and other corporate interests, and not infrequently embracing cases of a serious criminal character. His business sagacity is so highly regarded that he is a director in many corporations having large moneyed interests to manage and direct.

Governor Bryan, as he is continued to be called in Kentucky, was married on September 15, 1880, to Miss Virginia Ellis Martin, daughter of Judge and Mrs. John Boyle Martin, of Owen county, Kentucky, whose ancestry traces to colonial and Revolutionary stock in Vermont and Virginia. To the union two children have been born, —Mattie Bell and Katharine Cox.

Mr. Bryan loves the old commonwealth with the characteristic affection of the true Kentuckian, and it may be justly said of him that she has no son more loyal and true to her best interests, and few more able to represent her in any station where ability, fidelity, courage and a scrupulous regard for honor are needed; and it is safe to say he is too young, too clever and too popular to remain permanently in private life.

JOHN GRIFFIN CARLISLE, secretary of the treasury under President Cleveland from 1893 until 1897, was born in Kenton county, Kentucky, September 5, 1835. The future cabinet minister began teaching at the age of fifteen years and for five years followed that profession. He studied law under the direction of Hon. John E. Stevenson and Judge William B. Kinkead. In March, 1858, he began practice as the partner of the latter gentleman and at once took rank as one of the most analytical and clearest minds among the young men of Kentucky. He was elected to the lower house of the legislature in 1859, and in 1865 was a candidate for the state senate, but was defeated. In February, 1866, the senate declared the seat of his opponent vacant because the election was "neither free nor equal in the sense required in the constitution, being regulated, controlled and unduly influenced by armed soldiers in the service of the United States in utter disregard for the law." Mr. Carlisle was elected to fill the vacancy, serving from 1866 until 1869, and in the latter year was re-elected to serve until 1873, but resigned in 1871 to accept the Democratic nomination for lieutenant-governor. To this position he was elected in August, 1871, for a four-years term, receiving nearly forty thousand more votes than his opponent. For a few months in 1872 he was the leading editor of the Louisville Daily Ledger.

He was elected to congress in 1877 and continued in the lower house of the national assembly uninterruptedly until 1891, representing the sixth district of Kentucky; was elected speaker of the forty-eighth, forty-ninth and fiftieth congresses, holding that high office from 1883 to 1889.

Upon the death of Senator Beck in 1890 Mr. Carlisle was appointed to fill out the unexpired term in the United States senate. On the meeting of the legislature he was elected for a full term of six years, but resigned in March, 1893, to accept the position of secretary of the treasury, which was tendered him by President Cleveland. As speaker of the house, Mr. Carlisle attained a national reputation, his ability and fairness as a presiding officer being universally recognized. His name has been frequently mentioned in connection with the presidency, but his reputation and chief claim to fame and to the gratitude of the nation are based upon his administration of the treasury department from 1893 to March 4, 1897, under President Cleveland's second administration. His great analytical mind and the powerful arguments adduced by him were potent in the national canvass of 1896; he was not in accord with the majority of his party, and, in assuming the position which he did, antagonized life-long friends.

CECIL PENCE, of Covington, is one of the younger representatives of the Kentucky bar, but his ability is not to be measured by his years, he having already won a prominent place in public life. He was born in Covington, on the 20th of August, 1871, a son of James L. and Elizabeth (Miles) Pence, the former a native of Lawrenceburg, Indiana, and the latter of Campbell county, Kentucky. He began his education in the public schools of Kenton county and completed his literary course in the Covington Seminary. Choosing the law as a profession he matriculated in the Cincinnati Law School, where he was graduated on the completion of the prescribed course in 1893. Later he passed an examination before the supreme court of Columbus, Ohio, and returning to Kentucky was admitted to the bar of this state on the 1st of January, 1894.

Mr. Pence began his business education under the guidance of his father, who was a general contractor. He thus learned how necessary industry and enterprise are to success in any walk of life and has made these elements an essential part of his professional career. On his admission to the bar he entered into partnership with Theodore F. Hallam, under the firm name of Hallam & Pence. The same fall—1895—Mr. Pence was the Democratic candidate for representative to the state legislature and was elected by a majority of five thousand votes, receiving the largest majority that was given any one on the ticket. He was honored by the speaker of the general assembly by being placed on several important committees and rendered efficient service to the state as a member of the municipal, corporation and education committees. He was the youngest member of the assembly, and when he presented himself for qualification a protest was registered on account of his age, but on investigation he was allowed to take his seat. The fact that a United States senator was about to be elected and that the general assembly was so evenly divided that the decision was liable to hang upon one vote either way, made the members more than usually cautious regarding

the eligibility of a new member. It is safe to predict of a man of Mr. Pence's natural abilities and high and laudable ambition that this is but the beginning of a brilliant career.

EZRA H. KILPATRICK was born in Maysville, Mason county, Kentucky, in 1844. His father, Richard H. Kilpatrick, was a successful merchant of Baltimore, Maryland, and married Sarah Sroufe, who was a native of Mason county, Kentucky. The son secured his elementary education in the public schools and seminary of Maysville, and was subsequently graduated in Augusta College in the class of 1859. In 1861, when the country was shaken to its foundation by the animosity of a race controversy and a call was made for troops to go forth and fight for the preservation of the Union, Mr. Kilpatrick, then an ambitious, wide-awake young man, prompted by a commendable patriotism, unhesitatingly enlisted for a three-months service. At the expiration of this period the trouble, instead of abating, had assumed the proportions of a gigantic conflict. Despite the sorrow it caused him to go against his mother's views and her loved southland, he continued true to his convictions in favor of the Union, and in 1862 enlisted in Company D, Eleventh Indiana Zouaves, for three years. His commander was Brigadier-General Lew Wallace, who for eight months was colonel of the regiment. After the battle of Romney, Virginia, Company D was transferred to the Army of the Cumberland, and participated in the battles of Fort Henry, Fort Donelson and many minor engagements. While acting as recruiting officer at Augusta, Kentucky, Morgan's troops under General Duke raided the town and burned a portion of it. Fourteen Unionists and sixty-one Confederates gave up their lives in this encounter and Officer Kilpatrick was taken a prisoner, although not carried out of the town.

The war being ended and his duty to the nation faithfully discharged, he returned to his native state, and for three years read law in the office of Marshall & Marshall, of Augusta. In 1869 he was duly authorized to practice, and from the beginning of his professional career was looked upon by his fellow members of the bar as one who would ever occupy a conspicuous position at the bar. This prognostication has been proven eminently correct. In 1874 he was elected commonwealth attorney by the Republican party of Bracken county, and so efficiently did he perform the functions of his office that in 1878 he was the popular candidate for re-election and received a very large majority. At the expiration of his term of office he removed to Newport, Campbell county, where his superior qualifications were soon acknowledged. In 1884 his party placed him in the field as its choice for county attorney of Campbell county, and again he was elected by a gratifying majority. On the expiration of the term he was re-elected, serving for four years, and in 1888 he resumed the private practice of law, establishing an office in Newport, just opposite the court-house in York street.

In pleading a case Mr. Kilpatrick is distinctively original. His versatility is such that his opponents never know what to expect, and their carefully formulated plans of procedure are therefore set at naught. Although criminal cases are rather distasteful to him, he has, without desiring it, acquired a high reputation as a criminal

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lawyer and as such is frequently employed. He has also a large and rapidly increasing civil practice and in all lines is remarkably successful.

In 1879 Mr. Kilpatrick was united in marriage with Miss Mary E. Johnson, of Cincinnati, Ohio, and they have one son, who bears the unique name of "U. S." Mr. Kilpatrick is a prominent member of the Grand Army of the Republic and belongs to Eureka Lodge, No. 11, K. of P. Much of his natural ability he attributes to Scotch-Irish ancestry, a coalition termed superior to any, and it unites the Scotch thrift and integrity with the Irish cleverness and unaffected geniality.

JOHN F. FISK.—Rising above the head of the masses there have always been a number of individuals distinguished beyond others, who by reason of their great ability and powerful individuality have always commanded the homage of their fellow men, and who have revealed to the world those two bright virtues of a lordly race,—perseverance in purpose and a spirit of conduct which never fails. Throughout this land may be found many men who have marked with deeds the vanquishing traces of swift-rolling time, and whose names are kept green in the memory of those who, in life, were their associates. Such an one is the gentleman whose name introduces this review.

The distinguished lawyer and Kentucky Unionist, John Flavel Fisk, a native of Genesee county, New York, was born December 14, 1815, a son of David and Abagail (Sargeant) Fisk, natives respectively of Massachusetts and Vermont, and of Welsh and English origin. He arrived in Kentucky in May, 1837, and was educated in the Freeman Carey Institute, of Hamilton county, Ohio. In 1840–1 he taught the Germantown Academy, in Mason county, Kentucky, and subsequently, in 1842, became principal of the Maysville Academy, remaining in this position until 1847. From his youth he was connected with the Whig party and became prominently identified with it in this state.

Having selected the law as his chosen profession he entered the office of the Hon. Frank Hord, of Maysville, and pursued his studies under this able preceptor until he became a student in the law school of Covington, which was then conducted by ex-Governor Morehead and Judge James Pryor. In 1848 he was admitted to the bar in this place, where for forty-six years he has been known as one of the most efficient lawyers and representative men of his time. He served both as city and county attorney, school director and president of the school board, and in 1857 was elected to the state senate from the counties of Campbell and Kenton, on the Democratic ticket. His nomination and election emanated from his known opposition to the native American party, which was then the only opponent of the Democratic party in the state. On the death of the lieutenant-governor of Kentucky, Hon. Linn Boyd, in December, 1859, Mr. Fisk was elected speaker of the senate, almost without opposition, and thus he became *ex-officio* lieutenant-governor,—an honor deservedly conferred.

In the presidential canvass of 1860 he took a prominent part as a supporter of Stephen A. Douglas. His speeches were pure in diction, clear, comprehensive and forcible. In 1861 Governor Magoffin convened the legislature to consider the attitude of the state in reference to the

secession movement. Shortly after the assembling of the senate Speaker Fisk offered the following resolution:

"Resolved that the sergeant-at-arms be instructed to fling out the old stars and stripes from the dome of this capitol."

Soon the legislature took a recess. During the *interim* the veterans of the war of 1812, under Colonel Dudley, of Frankfort, having caught the spirit of the resolution, caused to be made a large national flag, which was appended to a staff. All was in readiness when the legislature again assembled. Upon a day appointed the banner was raised, as the resolution directed, in the presence of thousands of people, whose shouts of applause swelled upward to the sky. It seemed almost as if the loyalty manifested in the unfurling of the stars and stripes was wafted abroad on the breezes. Soon from the top of every public building in the state, even in the most remote counties, floated the glorious old ensign of the republic. Impressive and patriotic festivities took place in many localities, where old veterans of 1812, with halyards in hand, attached to the top of the pole, and young girls clad in patriotic regalia, carrying a streamer of red, white and blue, in numbers corresponding to the states of the Union, stood around the pole and at a given signal marched outward, forming the circumference of a circle. Amidst the beating of drums and the joyous shouts of the people, "Old Glory" was flung to the breezes. Governor Fisk, as the author of this significant demonstration in Frankfort, was invited to make the presentation speech and complied in a most fitting manner. His words were few, but well chosen, and were hailed with the wildest demonstrations of patriotic joy. In the meantime the cannon boomed and the band played the Star-Spangled Banner. A wave of patriotism seemed to sweep over the state, like an electric shock it extinguished the rising rebel sentiment, and Kentucky remained loyal and true. It is safe to say that the effect of this wisely-directed motion was among the chief means of keeping Kentucky from withdrawing from the Union. Governor Fisk saw and understood the growing rebellious proclivities, and his noble appeal to the people through the emblem of freedom awakened the American principles in the hearts of Kentucky citizens.

During the stormy and eventful legislative session of 1861–2 Governor Magoffin, being opposed by a majority in both houses, because of his known secession sympathies, was requested to resign. This he absolutely refused to do, as it would have made Speaker Fisk his successor and thrown the state at once under control of an inflexible Unionist. Mr. Fisk, with characteristic magnanimity, at once resigned his position as acting lieutenant-governor, and Hon. James F. Robinson was elected in his stead. The governor then resigned and Mr. Robinson became his successor. Of all the acts in Mr. Fisk's eventful life, perhaps none so ably portrayed his nobleness of character and unselfishness of motive, nor was there one which was followed by so many important consequences. It strengthened the Union sentiment of the state, gave it fresh tone and vigor and greatly facilitated the efforts of the general government. Probably no event contributed more effectually to the defeat of the secessionists in this state.

In 1862 General George H. Thomas was in command of Camp Dick Robertson, in Kentucky. Being greatly in need of ammunition, especially lead, he requested Adjutant-General John W. Finnell, of Kentucky,

to furnish him with the same. This Finnell was unable to do, having failed to obtain a supply in Cincinnati. At this juncture Colonel Phil Swigert, who was in charge of the magazine at Frankfort, called on Mr. Fisk and told him that if he would issue an order for the lead he would forward it to General Thomas. Mr. Fisk, doubting his authority to act in the matter, referred him to the governor. The colonel, however, assured Mr. Fisk that his order would be authority enough for him, whereupon the order was signed and the much-needed lead was forwarded to the camp.

Governor Fisk's labors in behalf of the Union during the continuance of the Civil war were in harmony with his previous efforts. The same patriotic devotion, fervor, zeal and energy characterized them all. He had the fullest commiseration for the condition of citizens arrested by military order in Kentucky and imprisoned in the Covington jail and in Camp Chase, Columbus, Ohio. These prisoners had been arrested for trivial offenses, such as speaking in favor of the Confederacy, having committed no overt acts. Mr. Fisk did much for these men. When peace was restored Mr. Fisk's conduct was—like himself—magnanimous, honorable and forgiving. After the close of hostilities he conducted a lucrative law practice. His thorough knowledge of the principles of common law and his facility in applying them marked him as one destined for certain and rapid preferment. It is almost unnecessary to say that his practice increased rapidly, and experience developed the legal ability so ably displayed in the state senate. He successfully conducted his large practice until 1890, when he virtually retired from active business to enjoy the freedom from professional care which his long life of usefulness so justly merited.

In 1878 the Mexican ambassador to the United States, Zamacona, on behalf of his country invited this government to send a deputation composed of merchants, manufacturers and officers to visit and inspect Mexican industries, which invitation was accepted, and the men selected to represent this country were organized under the name of the American Industrial Deputation, with Governor Fisk as its president. Accompanied by his wife and daughter and other ladies of the party, the Governor and the delegation proceeded to Vera Cruz, Mexico, where they were met by a committee appointed by President Diaz, which was largely composed of his cabinet officers. They arrived in January, 1879. On reaching the city of Mexico the deputation, under the guidance of United States Minister J. W. Foster, was escorted to the national palace and received in the audience chamber by President Diaz. On this occasion Mr. Fisk, on behalf of the American representatives, delivered the following address:

"*Mr. President:* As president of the American Industrial Deputation, now visiting Mexico, I have the honor, in their name, of presenting their respects to you, and through you to the people of this republic. Though strangers to you personally, we are familiar with your fame as a valiant soldier and successful statesman. We come, sir, not with set phrases and polished sentences of diplomacy, but address you in the plain, straightforward language of business men and friendly neighbors, seeking to become better acquainted with our republican brethren of Mexico, hoping that our visit may tend to bring the people of two great nations, kindred in principles, into closer busi-

ness relations. To that end we have appointed a committee of observation, composed of competent gentlemen, and requested them to obtain, so far as practicable, full statistics of all your imports and exports; also full information as to your mining, manufacturing and commercial interests; also the condition of your educational and charitable institutions. We regret to say that in the United States we have not full and accurate information on all these subjects. We are determined, however, that as to all matters upon which we obtain information our people, on our return, shall receive full, fair and accurate statements.

"Among us are gentlemen from fourteen of our states, representing almost every element of our civilization. The most widely circulated and most powerful in influence of the newspapers of our country are represented by learned and experienced journalists who will lay before our countrymen the results of their investigations. Since our arrival in your land we have been profoundly impressed with the sublime grandeur and wonderful beauty of the scenery through which we have passed, and, overwhelmed by the boundless hospitality and unceasing courtesies of your people, we are already quite at home among friends. Permit me to express in the name of the American people the hope that commerce, the friend of universal peace, and the most potent of all agencies to bind nation and people together, may grow up between these sister republics into an enduring bond of friendship, and that side by side, hand in hand, heart to heart, we may go forward in united prosperity, demonstrating to the whole world the power and value of the great principles of liberty and the stability of government, founded on the consent of educated and intelligent constituencies, and further that the friendship now so happily existing between the people of these two grand republics may be perpetual."

At the conclusion of this address Colonel Whiting presented a beautiful American flag, manufactured especially for, and sent as a compliment to, President Diaz, who responded as follows:

"*To the President and Members of the American Industrial Deputation:* The indulgence with which you have considered me has inspired the words you have addressed to me; and while I do not merit, I nevertheless accept them with the most profound gratitude as an evidence of your courtesy and kindly feeling toward me individually. I will not reply to you in the studied phrases of diplomacy; for I am not a diplomat. Educated in the camp where men are taught to speak the truth, I reply to you with the rude frankness of a soldier. So much for myself individually. As the chief magistrate of a republican nation, I must not be allowed to reply to you except with that sincerity which is becoming in one occupying my position.

"These of my fellow citizens who have assembled here to greet you as the sons of a sister republic have anticipated your desires. Taking into consideration the fact that you come on the noble mission of binding in a closer tie the commercial relations that exist between the two countries, they have divided their committees into sub-committees, who will cheerfully furnish you with all the information that you may require and that they may be able to furnish. This cordial co-operation with your purpose in in the glorious task which you have undertaken, meets with my most cordial approval, and it will afford me pleasure to second your

views by furnishing all the information and statistics that may be found in the various departments of the government.

"It is indeed to be regretted that difficulties have been interposed to prevent a right understanding between our respective countries, and that public opinion in your own country should have been biased by incorrect reports from our own. This condition of affairs has been particularly unfortunate for Mexico individually and to the cause of civilization in general, because it has retarded in a great measure the development of commercial relations, and then retarding the course of progress in general over our continent. Nevertheless your presence here to-day is a happy augury that the evils complained of will speedily terminate. I do not attribute the wrong impression that has prevailed in your own country in regard to ours to sinister motives, but to the want of a knowledge of the elements comprising our social and political condition, differing from your own, and therefore strange to you and difficult to understand. It is consequently highly gratifying to me to know that such intelligent and impartial individuals as compose your deputation, animated with such noble purposes, should have come to our shores for the purpose of solving at home, amid the scenes of our every-day life, and aided by intelligent citizens of our republic, the problem that shall accomplish the noble and exalted end you have proposed to attain. In this way wrong impressions in regard to Mexico will be corrected, the truth will be made known, and truth is the corner-stone of success. I anticipate these grand results with greater confidence because you are accompanied by representatives of the press of your own country, accustomed to grapple with the social and political questions of the day in a practical and scientific manner. I am confident that if the information we may be able to furnish you is sufficient to enable you to penetrate into the recesses of the hearts of our people you will carry away with you the same favorable impression you receive in treading the soil they inhabit.

"You could not have offered me a more precious gift than the one you have to-day placed in my hands. I receive it with the greatest emotions of joy. Under the broad folds of this banner your country has grown, developed and become great among the nations of the earth. She has become the elder sister of the other republics of the continent, and you have cause, and just cause, to be proud of your national standard. I receive, gentlemen, your precious gift with the earnest and sincere desire that it may blend into ours in our march on the road of civilization. Under the flag of Mexico our people have also made advances which may not appear great to the superficial observer, but they are great when we compare the social and political condition at present with what it was at the beginning of the present century. You will also find here that every man and woman, young and old, will render the same homage to his flag that you render to yours, and holding it, as I do, in my hands, my earnest and fervent prayer is raised to heaven that they may wave together in the noble task you have so worthily undertaken, and that under the broad folds of both together our respective nations, animated by the same purpose and ends, may accomplish their glorious destiny."

The building of the Meneria School of Mining, of Mexico, was placed at the disposal of the American Deputation for their exhibit, which filled the court-yard and the first story, while the Mexican exhibits were

placed in the second story. This structure is of immense size and was admirably fitted up for the exhibit. The occasion was made a matter of both national and society importance, and the exhibit was visited not only by the highest officials in Mexico, but also the highest social circles of the land.

President Diaz had summoned his cabinet ministers, the senators and representatives in the Mexican congress, the governors and many men of learning, and many distinguished ladies, to meet the American Deputation upon its arrival, and to aid its members in all respects to execute the object of their visit. At the opening of the exposition the inaugural address was delivered in English by Governor Fisk and was ably interpreted, as he proceeded in his remarks, by Colonel David Whiting, of Chicago. He spoke as follows:

"In the name of the American Industrial Deputation I thank you, and through you, your cabinet ministers, the senators and representatives in congress, the governors of states and the commissioners sent by them from all parts of the republic, the learned and distinguished gentlemen, men of art and science, who have honored this occasion with their presence, and the authorities which have placed this grand and commodious edifice so superbly and conveniently fitted to receive the exhibits of my countrymen at our disposal; above all, and more than all, do we thank the ladies, one and all, for the distinguished courtesy shown in meeting with us on this auspicious event. Nothing can fail upon which woman looks with approbation, upon which she bestows the sweetness of her smiles.

"Could the artist portray this great assemblage and its surroundings, with all it tenders and means, before the American people, they would look upon it with astonishment and ask, 'Is it true? Is it possible that such things have taken place in Mexico? Did that demonstration manifest the feelings of the Mexican government and people toward the government and people of the United States?' To those questions the individual members of this deputation would answer with united voice, 'In our judgment it does,' and would say that 'this visit is, we hope, the opening of an eventful epoch, the beginning of a new era, an era of genuine and lasting peace and of successful commercial intercourse between the people of the two republics. A good understanding between your people and ours will rightfully settle all questions between the two nations.'

"But I must pause here, lest I pass beyond the domain of business concerns and enter the realms of diplomacy. If we have brought few goods, we have brought an abundance of good will. We came more to investigate than to trade, more to get useful knowledge and the facts to place before our countrymen than to enrich ourselves personally. We can on this occasion exhibit but a few samples representing but a small portion of the articles evincing the ingenuity and enterprise of our national industries; but such as we have we commend to the careful scrutiny and candid judgment of your people. Our visit will awaken inquiry and stimulate investigation. When our manufacturers learn what Mexico wishes to purchase, the means of reaching your country and the manner of trading here, such articles as your people desire to purchase will be speedily supplied, and with the proceeds derived from sales we will purchase from Mexico such articles and commodities as you have to sell; especially will the United

States be your best customer for coffee and other agricultural products peculiar to your soil and climate. We are glad to find that your manufactories of woolens, silk and paper are in a high state of perfection and prosperity. Railroads only are wanted to open a large and valuable trade between the two nations. With such communication your genial climate, grand mountain scenery, beautiful and picturesque landscapes will attract hundreds of thousands of our traveling and pleasure-seeking people during our winter months, great numbers of whom would reside permanently among you; and thus two nations, now strangers, would become acquainted and be friends. Whereas we have furnished wives to only a few of your distinguished men, under more favorable circumstances we might hope that a larger number of our beautiful countrywomen might find favor in the eyes of the noble sons of Mexico, and in return many of my countrymen might find wives among the lovely and bright-eyed daughters of this hospitable land, a consummation most devoutly to be desired, and if accomplished would form a bond of union between the two nations more binding and lasting than treaties founded upon circumstances which are ever changing.

"Gentlemen of the Deputation, your country has reason to thank you for the display you make to-day in the beautiful capital of Mexico. Doubtless generations to come, as our nation shall continue its grand march across the centuries, will look back upon you as national benefactors. You represent industries, challenging inspection and knocking at the gates of the ports of all civilized countries. Wherever the sails of commerce whiten any sea there is found the American merchant, offering his goods in competition with all other nations. With an energy tireless and sleepless, the artisans of America with an inventive genius nowhere surpassed are daily adding new achievements and offering them in the various markets of the world. Mexico is our neighbor, dwelling on the same continent, our shores washed by the same oceans. Living under constitutions almost identical in form and institutions looking to the welfare of the people at large, why should not the trade and commerce of these people be reciprocal? We hope that in the near future and the long hereafter this people will find it to their interest to trade mainly with the people of the United States. The goods we have brought we desire to dispose of entirely at wholesale, so as not to interfere in any manner with the retail trade. We are greatly pleased that the merchants and manufacturers of Mexico have placed so many goods side by side with ours for the inspection of the deputation. Their excellence we fully comprehend and appreciate.

"Again, sir, thanking you all for the great courtesy shown us, I lay before your people the exhibits brought by my countrymen, with the hope that they may receive favorable consideration and candid criticism."

To this inaugural address President Diaz responded:

"*Mr. President of the Manufacturers' Commission of the Northwest of the United States, Gentlemen and Ladies:* It is a source of great satisfaction to me to accept the invitation you have tendered me to inaugurate your interesting exhibit of North American merchandise brought to this country for the purpose of augmenting the commercial relations existing between our two republics. This testimony, rendered to peace, to labor and to progress, highly honors the Association of Manufacturers of the United

States, who, comprehending the grand increment of which the commerce of the western states is capable, and of which states Chicago may be considered as the metropolis, as well by its advantageous position as by its growth, without equal in the annals of the world, sent you to inaugurate this movement of peace and civilization. Far from your having to thank the government of Mexico for having co-operated in the better discharge of your commission by offering you those attentions and facilities which were due you, the Mexican nation is thankful to you for having come on this noble mission with the olive branch of peace in one hand and the torch of civilization in the other, encountering the troubles and fatigues consequent upon your journey and the dangers of a voyage in the gulf of Mexico and the storms that prevail at this season of the year. Ever since she won her independence Mexico opened up her ports to the trade of the world. Following up the grand maxim of the fathers of your independence that 'honesty is the best policy,' I must state to you that although the fiscal legislation of this country still labors in part under the colonial system and cannot be considered as the most liberal in the world, it has continued and is continuing a progressive march of liberality, with a view of stimulating a development of commerce, the fountain of wealth and prosperity of nations. Our constitution ordains that there should be no prohibition. The list of articles free of all duties which have been increasing day by day, comprising various objects such as machinery of all classes, in regard to which the remarkable mechanical improvements in the United States and the favored circumstances of possessing large deposits of iron near coal is the cause that very few countries can compete with them. These conditions and the fact of contiguity with Mexico, which is a mining country and one of vast agricultural tropical elements, while in the United States manufacturing industry has developed itself in such a prodigious manner, are the reasons that a trade may be opened up between the two countries as lucrative as it is important; and this will be the efficient means of establishing social, political and even blood relations between the two peoples who occupy the principal part of North America, who are ruled by institutions that are identical, and who, whatever may be the difficulties under which they have struggled, or which they may momentarily labor under, have a grand future before them. Although Mexico and the United States are neighboring nations, they are unfortunately very little known to one another, and in each of them errors prevail relative to the other. The steps that have been taken by the Manufacturers' Association of the Northwest of your country in sending you on this mission will doubtless produce, among other good results, that of dispelling some of the errors that are entertained in the United States regarding Mexico. We are gratified, therefore, that enlightened, practical and dispassionate men, like yourselves, should have accepted the trust of making a journey of inspection and study, which it is to be hoped is the prelude to a great commercial development. As regards Mexico you will always find her disposed to co-operate in this work of civilization; the generosity and nobleness of sentiment of her citizens is proverbial, and she instinctively accepts all that is good.

"As regards her government it suffices to say that all the administrations which have succeeded each other since the triumph of

the republic over the foreign intervention of 1867, whatsoever may have been the points of internal policy on which they differed, have strenuously endeavored to establish permanent commercial relations with the United States. Nine lines of foreign steamers trade with the Mexican ports; of these, four come from European ports and are supported by subsidies from their respective governments or by the profits of their tariff; the other five come from ports of the United States and are supported by liberal subsidies paid to them by the Mexican treasury. Without this aid you would not have been enabled to have come from your country to ours by the route and with the rapidity you have done. Thanks to these lines of steamers, the trade between the two countries has somewhat increased, as instead of two millions of dollars, to which the commerce between the United States and Mexico reached before the war of intervention, it now exceeds ten millions.

"The degree of enlightenment of all nations may be measured by the respect that is attributed by them to women. The United States form, without doubt, the country where the people give to the fair sex the greatest participation in national life. Even in this movement which you now inaugurate you have brought with you your noble lady collaborators,—your wives and daughters. Mexico bids them welcome and cannot demonstrate in terms more eloquent her respect and admiration toward the ladies of the United States than by referring to the same fact that you have been pleased to mention of some of her citizens having contracted matrimonial ties with women born in the United States. The ties of blood are those that have always been the most effective in promoting mutual regard and good will, and it is to be hoped that the custom now once initiated may continue its natural course.

"In what concerns myself I desire sincerely that the success of your efforts inaugurated to-day may correspond to our expectation and to the wishes of this country, and that your enterprise may acquire such a development that the members of the commission of the Manufacturers' Association of the Northwest of the United States may attain an imperishable name."

During his stay in Mexico Governor Fisk visited numerous institutions and was frequently called upon to deliver an address, and always responded in his usual happy manner. On the eve of their departure the whole party were presented with handsome souvenirs of their visit by the president and his cabinet. The Mexican ladies contributed tasteful gifts suitable to the occasion, and many of these souvenirs now adorn the beautiful home of Mr. Fisk. When President Diaz visited this country and was given a banquet at the Palmer House in Chicago, Governor Fisk was present and responded to a toast. The Mexican executive again warmly greeted him on this occasion.

Mr. Fisk was one of the organizers and has long been a director of the First National Bank of Covington, and is now vice-president. He is also connected with the following enterprises: Fifth National Bank, of Cincinnati, Covington Gas Light Company, Kenton Insurance Company, Covington and Cincinnati Bridge Company, and other important corporations. He is vice-president of the Covington Protestant Children's Home, president of Highland Cemetery, is a member of the Independent Order of Odd Fellows and has served as grand master of the state and grand representative of the grand lodge of the United States.

He is president of the board of trustees of the Christian church of Covington, and no interest calculated to uplift humanity or advance the best interests of the state seeks his aid in vain.

Governor Fisk was married October 15, 1842, to Elizabeth S. Johnson, of Cincinnati. Seven children have been born to them, namely: Charles H., a prominent lawyer of Covington; Virginia A., wife of Andrew R. Scovill, of Covington; Sarah C., wife of S. C. Speers, of Norwood, Ohio; Belle F., wife of Byron Andrews, of New York city; Robert B., a prominent lawyer now on the bench of South Dakota; John F., Jr., of Cincinnati; and Bessie F., who died at the age of seventeen years.

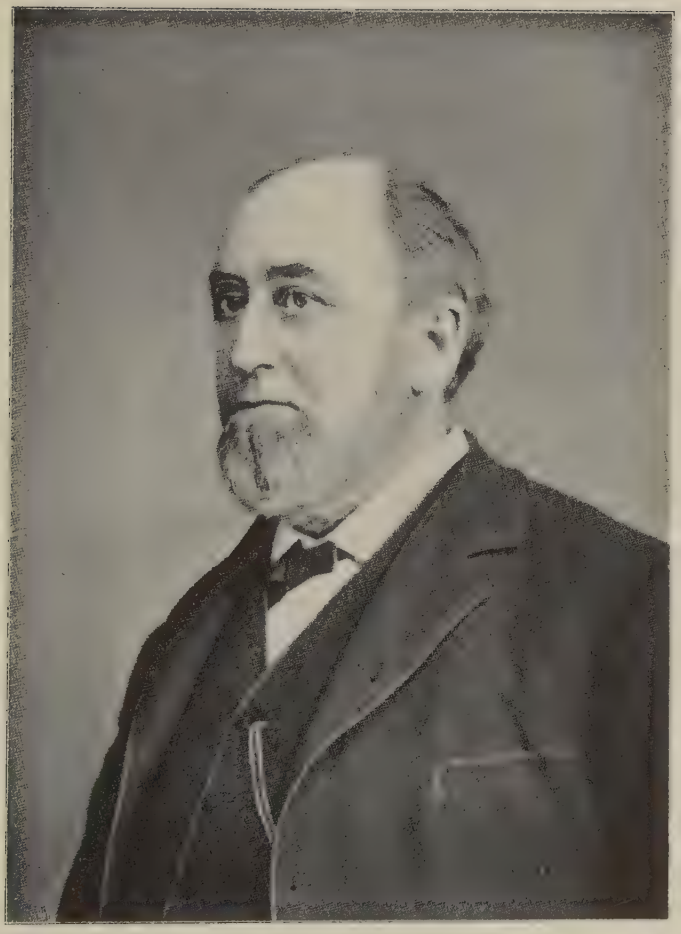
WILLIAM WALTER CLEARY was born in Lexington, Kentucky, on the 17th day of September, 1831, and died at his residence in Covington, at three o'clock in the afternoon of March 16, 1897. His father, John R. Cleary, was born in county Limerick, Ireland, in 1806, and came to America in 1821, taking up his home first in Jessamine county in this state, but soon thereafter removing to Lexington, where he was, until his death in 1880, one of the leading merchants and manufacturers and a public-spirited citizen, taking an active part in the affairs of the city, and for a long time one of the most useful and prominent members of the city legislature.

Judge Cleary's mother was Mary Ann Connell, a woman of education and refinement. She was born in New York, but reared in Lexington. Her father was Walter Connell, also of Irish birth. He removed from New York to Lexington when his daughter was a child, and was for many years a merchant of that city of high standing. Mary Ann Connell was an only child, and Judge Cleary was the only child of her intermarriage with John R. Cleary. Both the Cleary and Connell families were prosperous, and the Judge inherited quite a comfortable estate at the death of his parents.

Judge Cleary at an early age entered the academic department of Transylvania University, in which he graduated in 1849, and then matriculated in the law school connected with that university, the faculty of which was made up from the most distinguished jurists of Kentucky, and in which he also graduated in 1851 with honor. He was soon thereafter admitted to the bar, and in 1852 settled in Cynthiana, where he began the practice of law. He needed but an opportunity, and soon his genial manner, his ability, his industry and his fidelity to his clients brought him success and prominence in the profession he loved and honored.

Soon after he settled at Cynthiana he was happily married to Miss Ann Wherritt, an accomplished lady, the daughter of Perry Wherritt, for many years, indeed for nearly all his life, the faithful and popular clerk of the Harrison county court. His wife's mother was a member of the prominent and influential Morrison family of Kentucky, whose ancestors rendered conspicuous service to the patriot cause in Revolutionary times.

The regard in which Judge Cleary was held by his fellow citizens of Harrison county was manifested in 1856, when he was quite young, by his election to the office of county attorney, in which he faithfully served for a full term of four years. From 1859 to 1861 he represented Harrison county in the general assembly, and it was during his legislative career that his sterling talents and



W. W. Keen

high character really met their first great test and won their first great victory. Here was the earliest demand upon his capabilities and his courage, and in probably the most important and eventful session of the general assembly in the history of Kentucky, surrounded by fellow members whose achievements both before, during and after that time made them famed, he took such a part and so met the demands of the trying situation that, at the fateful separation of that historic body, he ranked among the strongest and foremost of its members. He met face to face in that legislature the portentous questions and the threatening differences that preceded and brought about the Civil war, and he flung all the strength of his brilliant qualities and the ardor of his young manhood into the embittered controversy that waged throughout its length.

He was a firm believer in the sovereignty of the state to the extent of the right to secede from the Union and to resist what were termed the coercive measures of the federal government. True to his honest belief and firm convictions, when Kentucky refused to secede he broke all ties and quitted the state to cast his fortunes with the south in that vain but courageous struggle for an independent government that will stand out in history for the sacrifices it entailed upon the defeated and the heroism with which those sacrifices were met. His service in the field was of short duration. He was early called to Richmond and assigned to delicate duties of a diplomatic character, mainly in foreign countries. His services in this capacity were performed chiefly in the Bermudas and in Canada, and were of such conspicuous and meritorious character as made him one of the few marked men, connected with the attempt to set up a separate government in the south, who were last to receive amnesty and last to return to friends, family and home.

Jacob Thompson, of Mississippi, and C. C. Clay, of Alabama, men eminent for their services to their country in *ante-bellum* days, and one time senators in the United States senate from their respective states, were the commissioners for the Confederate States in Canada during the last years of the war, and Judge Cleary was the secretary of that legation. He was an able and trusted adviser and counselor in all the responsible and delicate duties and negotiations that fell to the lot of that representative body to perform in a border land, under foreign power cut off from communication with the home government by the intervening states and army of the Union. It belongs to the history of that commission and its work that Judge Cleary's part in it was of a most confidential and prominent character, and that its members conducted its affairs under conditions of constant irritation and danger, so as to avoid the embroilment of Great Britain, under whose government they had asylum, and the United States, against whose government they were operating, served to mark them as masters of diplomacy.

When at length he returned to Kentucky he went to his home at Cynthiana, in Harrison county, and resumed the practice of law, but was soon chosen to the office of judge of the county court, the duties of which he performed with the skill and fidelity that emphasized every phase of his public career. In 1873 he was elected commonwealth's attorney in the then twelfth judicial district, composed of the counties of Bracken, Campbell, Harrison, Kenton, Pendleton and Robertson, to which office he continued to be chosen at each recurring

election until Kenton county, in which was the city of Covington, was made a separate judicial district, when he was called to the same duties in it and died while serving in that capacity.

It is not too much to say of him in a state where so many distinguished lawyers have served in the same capacity, and in a district that has had the honor to have been officered by an uncommonly long and brilliant line of attorneys for the commonwealth, that not an abler or more conscientious law officer for the state and not a fairer or more humane prosecutor of those charged with crime ever served Kentucky in that office. In his long career of more than twenty-three years in prosecuting the pleas of the commonwealth, he sought the punishment of crime solely that law and order might prevail. He knew one charged with crime only in his deeds, and he would not spare to-day from the just visitation of the law one to whom he would gladly give help to-morrow. Under a fee system in misdemeanors that would have yielded great emoluments, he gave his best and ablest efforts to the prosecution of felonies and sought the infliction of fines only when he was so impelled by a sense of duty to the responsibilities of his high office. Among the strongest of his many great efforts have been his appeals to juries when, on occasions, recurring misdemeanors have not succumbed to money penalties, to assert their discretionary power and put a stop to defiant violation of law by ignoring their right to fine and exercising their power to imprison, the full measure of his recompense being the consciousness of having upheld the law and established its supremacy against determined efforts to overthrow it.

His many years of public office brought him a fair share of the criticism that seems inevitable to such service. That which was sincere and well meant he allowed the correction which goes with honest endeavor to overtake; to that which was not, which was mere abuse, he gave no heed. The people alike gave it no heed, and those who would have injured him were themselves injured by the natural recoil of unmerited assault. His retainers before, and his public duties after, he became attorney for the commonwealth, took him to every court in the circuit of the old twelfth district; and it can truthfully be said that the coming of no attorney to any of the county seats for a term of court was more welcome than that of Judge Cleary.

The day of the assizes, for the bar of which he was a member, are about gone; but to those who were a part of the varied legal conflicts, of the home-like tavern life, of the generous local hospitality and of the charming spirit of comradery of those times, there can be no past experience more prized and no present remembrance more cherished. It could not have been otherwise than that Judge Cleary's ready and attractive style of practice, his strong and incisive arguments, his unfailing wit and humor, his fund of story and anecdote, should have made of him at the bar, at the nightly gathering at the tavern and at the hospitable neighborhood board, an unchallenged favorite. The memory of his legal achievements and of his social accomplishments will linger in those places and with those people for long years to come.

He practiced law upon a high plane. His client's cause was his conscience, his mind and his honor. He valued the good opinion of his brother lawyers and the confidence of the bench. He had and retained

both because he was a sound lawyer and because he never sought to establish an interpretation he thought to be vicious. He would have refused a victory won with false law as he would have abhorred one gained with false testimony. He reverenced the exalted wisdom and benevolence of the law and felt that no priest at its altar should profane it. He had seen those who practiced it in its purity of purpose rise high, and he had seen those who perverted and corrupted it decay.

Born in the heart of that region of Kentucky, famous the world over for the beauty of its landscape, the fertility of its soil, the force of its men and the graces of its women, and of an ancestry that went back to the fairest portion and the foremost people of that far-away island whose undulating stretches and verdant beauty have made all men with one accord name it the gem of the sea, the genius of whose sons have lifted it above the misfortunes of history, he took on by the mysterious force of inheritance the potentiality of both people and both countries. His intellectual alertness and mental symmetry were unavoidable, and he was unconsciously brave and tender.

"Heaven's rich instincts in him grew
Effortless as woodland nooks send up violets
And paint them blue."

His natural endowments were built upon and broadened; the philosophy, the faith and the poetry in him so cultivated and commingled that the stream of his life here flowed brightly along between flowering banks into the measureless sea of the beyond with unfaltering trust in the promise, throughout its length as at its end, that a higher and everlasting life awaited him in that blissful expanse.

The children of Judge and Mrs. Cleary were: Walter W. Cleary, who married Anna T. Sullivan, and has two daughters—Eloise and Kathleen Elizabeth; Sallie Morrison Cleary, who married J. Shelley Hudson (now deceased), and has a son, Percy Cleary, and a daughter, Edith Marie; and Edwin Cleary, who is unmarried and lives in London, England. Two other children were William Steele Cleary, who died in 1884, aged seventeen years, and Jacob Thompson Cleary, who died in 1895, aged twenty-three years.

JAMES O'HARA, of Covington, was born in the town of New Liberty, Owen county, Kentucky, on the 6th of May, 1825. His father, James O'Hara, Sr., was born in Ireland, in 1785, and when ten years of age came with his parents to America, the family locating in Woodford county, Kentucky, where he was reared. He was educated by his elder brother, Kean O'Hara, who had preceded the parents on their removal to this country. Some years before he had located in Kentucky and had become widely known as an educator of rare ability. He was the father of Theodore O'Hara, the soldier poet, who wrote the beautiful poem, The Bivouac of the Dead, the first stanza of which reads:

The muffled drum's sad roll has beat
The soldier's last tattoo.
No more on life's parade shall meet
That brave and fallen few.
On Fame's eternal camping ground
Their silent tents are spread,
And glory guards with solemn round
The bivouac of the dead.

James O'Hara, father of the Judge, also became a teacher, and by the improvement of his leisure hours and the capital acquired through teaching, he fitted himself for the

legal profession, and after his admission to the bar located in the newly created county of Owen in 1823. At that time the courts formed the scene of action for many litigants in land cases, and to the branch of law especially concerning titles Mr. O'Hara directed his attention with excellent success.

Judge O'Hara has followed in the footsteps of his honored father and has won distinction at the Covington bar. His education was acquired under the instruction of his uncle, Kean O'Hara, and in St. Mary's College, near Lebanon, Kentucky. In 1851 he was admitted to the bar, at which time he resided in Grant county, Kentucky, about twenty-five miles from Covington. In 1859 he removed to Covington, where he has since maintained his residence and continued the practice of his profession. About 1863 he formed a partnership with Hon. John G. Carlisle, late secretary of the treasury, and as a member of that firm was connected with much of the important litigation in the courts until 1868, when he was elected for a term of six years to the bench of the circuit court of the twelfth district, composed of six counties, including Kenton and Campbell, the second and third most populous counties in the state. He filled that position until June 1, 1874, when he resigned and resumed the practice of law as a partner of Governor Stevenson, then a member of the United States senate. The firm not only won a foremost place in the ranks of the legal fraternity in the state, but also equipped for practice two lawyers who to-day do credit to their preceptors and to Kentucky. These were James W. Bryan and William Goebel. After three years spent in the office Mr. Bryan became a partner of Governor Stevenson and Judge O'Hara, and after the withdrawal of Mr. Stevenson, the firm of O'Hara & Bryan was maintained until 1894. Mr. Goebel also was employed in the office on salary, until embarking in practice on his own account.

When Governor Stevenson, wearying of the inactivity of a retirement from the profession, again took his place at the bar, he took Mr. Goebel into partnership and the two were thus associated until August, 1886, when the senior partner died. Judge O'Hara has ever felt a deep interest in the welfare of the two young men who became students in his office, and is justly proud of their success. In 1886 Mr. Bryan was elected to represent Kenton county in the state senate for a period of four years, and in August, 1887, after resigning his position in the general assembly, was elected lieutenant-governor for a four years term, while Mr. Goebel was chosen his successor in the upper house of the state legislature. By re-election he has since served continuously in that body, and was sent as a delegate to the constitutional convention of 1890 from Kenton county. He was a very prominent member of the senate, and Mr. Bryan, in his official capacity as lieutenant-governor, served as presiding officer of that august body. During all the time engaged in the public service they also maintained their high standing in the legal profession, and their earnest application, their strong intellectual endowments and their devotion to their clients' interests have placed them among the most eminent members of the Kenton bar.

Judge O'Hara also devotes himself to his profession with his old-time vigor and skill, although he has passed the three-score years and ten. He is now associated with Shelley D. Rouse, who succeeded Mr. Bryan in the firm, and who for seven years as

student and partner has been in the office of Judge O'Hara. The Judge has uninterruptedly devoted his energies to the law, never aspiring to office outside of the line of legal work or accepting preferment in another direction. *He was appointed United States circuit judge of the sixth district, receiving the support of the entire appellate bench and legislature for that appointment.

Judge O'Hara enjoys an enviable reputation as a lawyer. He retains the characteristics which won fame to the Kentucky bar in the middle of the century and at the same time has kept abreast with the wonderful developments in the science of jurisprudence brought about by the changing conditions of business and life in this later period. Few men in his section of Kentucky are more widely known; and his courtesy, his genial smile and his social nature have made him a universal favorite.

IRA P. ROOT, deceased, of the Newport bar, was born in Piermont, Grafton county, New Hampshire, in 1806, and traced his ancestry back through three hundred years to Ephraim Root, who resided in England. The first of the name to seek a home in the new world was David Root, who located in New York about 1700. Ira P. Root was educated in Miami College, of Oxford, Ohio, and came to Kentucky in 1824, locating in Campbell county. For more than seventy years, therefore, the family has been connected with that section of the state. He studied law in Augusta College, Kentucky, and for a time was a teacher in that excellent institution. His ability in the law received prompt recognition and in 1849 he was chosen a member of the constitutional convention which in that year framed a new constitution for the state of Kentucky. His familiarity with constitutional law and his broad and comprehensive views of the needs of the state, made him a valued factor in that assemblage. For several terms he represented Campbell county in the state legislature, and was the author of a bill which established the free-school system now in vogue throughout the state.

In his early life Mr. Root continuously upheld the principles of Democracy and supported the party by his influence and ballot, but when the Civil war was inaugurated he took a decided stand in favor of the Union. This unflinching decision killed his political influence, but he never wavered in his support of his honest convictions, and thereafter devoted his energies to his legal practice, which was large and lucrative. He long maintained an enviable place at the bar as a brilliant lawyer and accomplished orator and his name is found on the roll of those whose superior talents made the bar of Kentucky so famous.

Mr. Root was married December 25, 1834, to Miss Sarah A. Perry, daughter of Colonel David Perry. They had six children, of whom three are now living. Hon. Ira P. Root departed this life February 12, 1868. The mantle of his greatness, in strength of purpose, legal ability and oratorical powers, has fallen upon his two sons, Oliver W. and Albert T. Root, who now form the legal firm of Root & Root, in Newport, Campbell county, the scene of his own struggles and triumphs.

Oliver W. Root, the senior member of the firm, was born and reared in Campbell county, and, like his father, became a student in the Miami University, of Ohio, where he was granted a diploma of graduation in 1858. The choice of a life work fell upon the law,

* Errata, Line 6, He sought the appointment of United States Circuit Judge.

and two years later he was graduated in the Cincinnati Law School. He began his professional career in Newport, surrounded by the friends and neighbors of his boyhood, and among those who have known him from his youth he has made for himself a name that adorns the annals of the Newport bar. From 1862 until 1866 he held the office of city attorney, and from 1866 to 1870 he was county attorney of Campbell county. In 1868 he was sent as a delegate to the Republican national convention which nominated General Grant for the presidency, was twice a candidate for the office of representative in congress from the sixth congressional district, once in 1869 and again in 1877, but could not overcome the strong Democratic majority of the district. Mr. Root has at various times employed his superior gift of oratory in advancing the interests of the candidates of the Republican party and has always taken an active part in elections.

Oliver W. Root is a well-informed man, possessed of broad general information, and in his nature there is nothing narrow or contracted. In 1878 he went abroad, spending some time in visiting various places of interest on the continent and in Great Britain and adding largely to his rich store of knowledge. His time not given to the legal profession has been largely devoted to the study of Shakespeare and classic literature, and his love of the writings of the bard of Avon is deep and sympathetic. His interpretation of those plays which can never die is masterly and profound, yet he has the power of imparting so clearly and readily to others his own interpretations that his auditors marvel at the thought that they could ever have deemed such language obtuse. His broad knowledge of the master minds of the world as shown forth in literature makes him the better lawyer, and the analytical powers of the attorney enable him to gain a deeper insight into those great truths which have stirred all nations.

Among the many distinguished lawyers of northern Kentucky there are none who stand higher than Hon. Albert T. Root, not only among the citizens of his community but also among the members of the profession which he adorns. He has spent his entire life in Campbell county and obtained his education in Miami University, within whose walls his father and his brother had been trained for life's duties. After studying law for some years under the direction of his father he passed a creditable examination and was admitted to the bar in 1870. In 1877 he was elected city attorney of Newport after having completed, by appointment, an unexpired term, and so faithfully and satisfactorily did he perform the duties of this important position that he was three times re-elected. He performed his work unaided, notwithstanding the fact that he met in forensic combat some of the most experienced and able members of the bar of Campbell and Kenton counties. Mr. Root was very successful both in the courts at home and the court of appeals, winning for himself very favorable criticism for the careful and systematic methods which he followed. He has remarkable powers of concentration and application, and his retentive mind has often excited the surprise of his professional colleagues. As an orator he stands high, especially in the discussion of legal matters before the court, where his comprehensive knowledge of the law is manifest and his application of legal principles demonstrates the wide range of his professional acquirements. The utmost

care and precision characterizes his preparation of a case and has made him one of the most successful attorneys in this section of the state.

In 1890 Mr. Root entered into partnership with his brother, and the firm is regarded as one of the strongest of Newport. Their finely appointed suite of rooms and their extensive law library are ample testimony of their fondness for research and of their financial success as practitioners. Newport as the home of his childhood, the one spot around which are clustered the memories of all the dearest moments of his life, appeals strongly to his loyalty and makes him an enthusiastic promoter of its public enterprises. United in so many interests the firm of Root & Root are opposed in politics, Albert T. giving his support to the Democracy and proving a valuable exponent of its cause.

He was married in February, 1877, to Mrs. Margaret B. Root, of Newport, and five children, a son and four daughters, complete the family circle.

HORACE WHITE ROOT was born in Newport, Campbell county, Kentucky, in 1869. His father, James C. Root, was a lawyer of considerable ability who died in Newport when his son was only two years of age. His mother, Margaret Hawthorn Root, was the granddaughter of Richard Southgate, one of the most distinguished lawyers of his day in Kentucky, a man of rare ability and one of the largest land and slave holders in the state.

Reared by a fond mother, whose ambition was to see her son follow in the footsteps of his father and achieve that greatness in the profession which his father's early demise made impossible, Mr. Root, at an early age, gave promise of this wish being fulfilled. He was graduated at the Newport high school in 1888 and afterward took a special one year's course at the Woodward high school, in Cincinnati. He next entered the law office of his uncles, Oliver W. and Albert T. Root, constituting the well-known firm of Root & Root, where he continued his legal studies until entering the Cincinnati Law School, where he pursued a two-years course and was graduated in the class of 1891. Being now fitted for his chosen profession he put his theoretical knowledge to the practical test and soon demonstrated his peculiar fitness for the life work he had chosen.

In 1894 he was the Republican candidate for the office of county attorney, but was defeated by the small majority of thirty-six in a county strongly Democratic. The year following he was the successful candidate for the position of city solicitor, polling the second largest vote on the ticket. In January, 1896, he entered upon the discharge of his duties and his term will continue through four years.

JOHN C. SCHROLL, of Newport, was born in Cincinnati, Ohio, August 20, 1845. His parents, Martin and Dorothea (Fleckenstein) Schroll, were natives of Bavaria, whence they emigrated with their parents during childhood, both crossing the water in the same year. They located in Cincinnati and were married in that city in 1840. In 1848 the Schroll family removed to Newport, Campbell county, Kentucky, where John C. attended the public schools, gaining a practical English education. He afterward entered the Cincinnati Law

School, where he was graduated with the class of 1871, and then established his law office in Newport. At the expiration of three years, in 1874, he was elected on the Democratic ticket as clerk of the circuit and chancery courts. This office he continued to fill uninterruptedly for eighteen years, or until January 1, 1893, when he refused the nomination for a fourth term. No higher testimonial of faithful service could be given than his long retention in office. The duties and associations of his position were highly educational in a legal sense, and after a much needed rest of three years he again began the practice of law, competent to handle the most involved cases and meet the most intricate problems of the law. In February, 1896, he admitted to partnership Aubrey Barbour, a rising young practitioner of two years' experience, and the firm of Schroll & Barbour has in the few brief months which have since elapsed laid the foundation for a substantial clientage.

On the year of his retirement from office Mr. Schroll assisted in the organization of the Newport National Bank, and was at once elected its president. In 1870 he was united in marriage to Miss Martha Band, of Newport, and they have five interesting children. Mr. Schroll owns a pretty cottage in the country, surrounded by flowers and fruit trees, and as warm weather approaches removes his family to this place, where they remain enjoying the pleasures of outdoor life and vigorous exercise until winter again approaches, when they return to their city home.

THEODORE MACDONALD HILL, of Newport, lawyer, lawmaker and ex-judge of the Campbell county court, is of Scotch-Irish ancestry on the paternal side and of English-German on the maternal. His paternal grandfather, William Hill, was a native of county Antrim, Ireland, and his paternal grandmother, *nee* Jane Macdonald, of the isle of Skye, one of the Hebrides group off the west coast of Scotland. The warlike and powerful clan Macdonald were as illustrious and numerous as any that have figured in the annals of Scottish history. More than one of the haughty chieftains who bore this well-known name laid claim to being the rightful successor of those lords of the isle who as late as the fifteenth century disputed the pre-eminence of the kings of Scotland, claiming descent from the sea kings of old, those fierce Norse navigators whose discoveries and conquests are now confused with fable and fiction. This paternal pair were cousins, and both were own cousins to the historic Scotch beauty, Flora Macdonald, the plain narrative of whose life touches all hearts and has been the fruitful theme for writers, poets and novelists since 1745. A very interesting account of her may be found in Chambers' Miscellany, volume II., sketch No. 31.

William Hill and wife came to America in colonial days, settling among the wild hills of western Pennsylvania, and during the Revolutionary war he served in the Continental army. In 1794, with a large family of sons and daughters, he came down the Ohio river in a flatboat, landing at Fort Washington, now Cincinnati, Ohio, on the 25th of May of that year, and on that same night William Hill, Jr., the father of the subject of this sketch, was born. William Hill, the elder, was for some years proprietor of that old pioneer tavern in Cincinnati known as "The Black Bear," situated on what is now Sycamore street, near Ninth. He afterward removed to Butler county,

Ohio, locating land under a government warrant in what is yet known as the "Black Bottoms," in the Miami valley. He afterward returned to Cincinnati and died there December 9, 1828, when about ninety-eight years of age. His wife survived him until May 2, 1834, dying in Miami township, Hamilton county, Ohio.

William Hill, Jr., ran away from home at the beginning of the war of 1812 and participated in the many battles along our Canadian frontier, notably River Raisin, Fort Meigs, the Thames, Chippewa and Lundy's Lane. In 1841 he married Miss Elizabeth Nation, of Eaton, Ohio, who was born in Powell's valley in east Tennessee, and was a daughter of Joel Nation and his wife Mary, *nee* Albright. These maternal grandparents were originally from North Carolina, the former of English and the latter of German ancestry. William Hill, Jr., and his wife came to Campbell county, Kentucky, where the subject of this sketch was born. His mother died shortly afterward and, his father going to Mexico with General Scott, he was reared by foster parents on a farm near Alexandria, the county seat. He received some education in the public schools of the county and at Indianapolis, Indiana, and later attended the old Butler University, of that city. He entered the Confederate army in the early days of the war and served until the end, surrendering at Appomattox.

When he returned home he began the study of law in the office of the Hon. R. T. Baker, a prominent jurist, and at that time the peerless leader of the Republican party in Kentucky. Graduating, he was admitted to the bar February 22, 1871, and has ever since remained in active practice.

Mr. Hill married Miss M. Isaphine White, the daughter of a farmer near Alexandria. Five children have been born of this union, namely: Rhea Rhodes, Malcolm Macdonald, Pearl Pauline, Roy Raymond and Fay Fern, the last named, now a young lady, is the only one living.

Mr. Hill was at first city attorney of Alexandria, then its police judge, and in 1877 was elected to a seat in the general assembly of Kentucky, and was re-elected in 1879. After his terms of service in the house he devoted himself exclusively to the law until the death of Judge Makibben, county judge, in 1888, when the board of magistrates, knowing his fitness, appointed him to fill the vacancy. Since that his party has twice nominated him, and twice have the people elected him by sweeping majorities, and in 1895 he was again the nominee of his party, selected at the mass meeting of the people for state senator, but being a Democrat was defeated by the Republican wave of that year, as was the rest of the state Democratic ticket. His practice as a lawyer from 1871 to 1888 was largely of a nature to acquaint him with county affairs and fit him for public service; and that he met every requirement of the important office of county judge and the expectations of the people, and was honest and impartial, is very evident from his three several nominations without opposition in his own party, and by the liberal vote he always received from the Republican voters at the polls. He looked carefully after every detail of county affairs, keeping county taxes at the lowest possible figure, correcting errors of the assessment for hundreds of people, appearing with the assessor and a committee twice before the state board of equalization, and by arguments, facts and figures prevented in part the board's threatened increase of land and lot valuations over the assessor's figures that would have

been very hard, if not ruinous, to the people. In brief he performed each and every duty and requirement of the people's court, a court of probate, fiscal, criminal and common-law character combined, and the readiness with which he dispatched business, either in his private office or from the bench in the court-room, showed him master of the situation. A Louisville, Kentucky, paper spoke of him, in 1879, as follows:

"Judge Hill is a successful lawyer, a fluent and forcible speaker, of musical and ringing voice, a bold, self-reliant, self-made man, of conscientious, generous and amiable character, but like a bull in a China shop when suspicious of any attempt to drive him; brilliant and audacious in politics, at times impetuous and rash to a fault, but at others brainy, alert and exasperatingly cool; naturally of a political turn, gifted, and of pleasant, engaging address."

He is not a member of any religious denomination, but attends the Baptist church, of which his wife is a member.

GEORGE WASHINGTON, of Newport, one of the most gifted orators and lawyers Kentucky has produced, is a native of Campbell county, Kentucky, born December 25, 1844. He is a representative of that family to which belonged the "illustrious father of his country," and wears worthily the honored name. His childhood days were passed in his native county, and the quietude of his home life was first interrupted by the call to arms when the country became engaged in civil war. He had not yet attained his majority, but roused by a spirit of patriotism and loyalty to his loved south land he allied his interests with the Confederacy and went forth to battle in its defense.

When the war ended Mr. Washington returned to Newport, Kentucky. The possessions of the family had been swept away by the destruction ever attendant on warfare and he found himself penniless, but the courage of the soldier was manifest in the resoluteness with which he battled with an adverse fate. The times had called forth all the latent energies and dominant powers of a strong nature. The political condition of the country aroused his keenest interest, and his views concerning the questions of the day gained him leadership in the Democratic party. He made his way to Memphis, Tennessee, where the political atmosphere was more congenial, and secured permission to sleep in the office of one of the old lawyers of that city. Afterward he met a friend, Thomas H. Hines, later chief justice of Kentucky, and together they rented a room which was their home for some time.

Mr. Washington studied law, applying himself with unfaltering diligence to the mastery of the science of jurisprudence. He read and digested thoroughly the elementary law-books, such as Blackstone, Kent, works on pleading, evidence contracts, equity, jurisprudence and constitutional law, and with all of these he has an extraordinary familiarity. Entering upon the practice of law in the courts of Tennessee he soon demonstrated his ability to successfully cope with the complex problems involved in litigation. His wonderful oratory, clothing the sound logic of truth, carried conviction to the minds of jury and judge, and merit enabled him to mount the ladder of fame.

Mr. Washington became equally prominent on the lecture platform, and his public addresses covered a wide range of topics.

Geo. Washington,

Two of his lectures at that time were especially notable. One of these, "Knocking About in the Field of Letters," displayed remarkable research and breadth of thought. The other, entitled "Mollusks," was a satirical lecture showing the weakness of "invertebrates," or "people without backbone," and the necessity and value of moral purpose and courage in the battle of life. But that which gained him greatest renown in his career as a lecturer and won him the love of all the veterans of the gray, was address spoken over the graves of the Confederate dead near Knoxville. He was then only twenty-six years of age, yet without a single written note he delivered one of the most eloquent and appropriate addresses ever heard on that subject. During the period of reconstruction he was most active in formulating the policy of the new south and was untiring in his labors to secure for it the best legislation and highest privileges. His writings in the Knoxville Press and Herald were forceful, clear and masterful ; voice and pen were used for the furtherance of the interests of this section of the country, and not without great effect.

His broad understanding of the condition of public affairs naturally won him leadership in the ranks of the Democracy, and he served as chairman of the Democratic congressional executive committee of his district in 1874. When the Democratic convention assembled in 1880 for the purpose of nominating a candidate for governor, he was made temporary chairman of the convention,—an honor entirely unsolicited, defeating Judge Snodgrass, of the supreme bench, by an overwhelming majority. The issue of the campaign was repudiation, and Mr. Washington stood for the "state credit," which was to be maintained through the payment of the state debt. He felt that the honor and reputation of Tennessee were at stake, and in a speech of marvelous power, appealed to the nobility of every true citizen to uphold the banner of the commonwealth. The press said of this address: "The eloquence of his speech and the wild enthusiasm with which it was received can only be conceived or appreciated by those who witnessed it, for it is absolutely indescribable. We cannot attempt to tell of the effect of his able, thoughtful line of presentation. It made of that great convention—for one moment, at least—one mass of men, filled with state pride and noble thoughts. At one of his grand climaxes cheer after cheer arose, showing how repudiation and all leaning in that direction are regarded. It was a magnificent appeal." Mr. Washington's name was immediately mentioned in connection with gubernatorial honors, and he received the support of some of Tennessee's most prominent citizens, but he declined to become a candidate.

Not long afterward Mr. Washington returned to Newport, anxious once more to make his native state his place of residence. Here he formed a partnership with Colonel R. W. Nelson, and the firm has since engaged in law practice. His preparation of cases is most thorough and exhaustive; he seems almost intuitively to grasp the strong points of law and fact, while in his briefs and arguments the authorities are cited so extensively and the facts and reasoning thereon are presented so cogently and unanswerably as to leave no doubt as to the correctness of his views or of his conclusions. No detail seems to escape him; every point is given its due prominence and the case is argued with such skill, ability and power

that he rarely fails to gain the verdict desired.

Since locating in Newport Mr. Washington has avoided politics, but has nevertheless been called to public office by popular vote. Entirely without his solicitation he was made a delegate to the constitutional convention of 1890, where he was chosen temporary chairman. After the permanent organization was effected, he was offered the chairmanship of one of three committees and accepted that of committee on elections. He had already determined that Kentucky should have the secret official ballot and labored earnestly for that end. In the convention no member achieved greater distinction, and he left the impress of his individuality and strong mentality on the organic law of the state. In 1894 he was made the candidate of his district for the high office of appellate judge.

Mr. Washington is a man of scholarly attainments, yet it would be difficult to designate a specific period in which he acquired his extensive general information. His army service occupied that period of life when young men are usually in college, but he has always been a reader and student, and the passing years have added to his store of knowledge many gems of wisdom and truth which enrich his conversation and add beauty and brilliance to his more finished flights of oratory. His deep sincerity, his honest conviction, and his earnestness of purpose characterize his every act, and are manifest in the court-room, on the lecture platform, in his writings and in the walks of private life. The dominating principles of his career have been devotion to duty and fidelity to trust. His manner is frank, cordial and genial, and is permeated by that genuine worth which commands respect in every land and clime.

LAW SCHOOLS, LAW ASSOCIATIONS AND LAW PUBLICATIONS.

IN the history of the facilities for legal education in Kentucky there is much to be proud of and much to deplore. Kentucky, admitted into the Union in 1792, was the possessor of one of the most brilliant bars and of some of the best law colleges in the country as early as 1810; but while her bar is still equal to that of any other commonwealth, her institutions of legal learning can not now compare favorably with even those of many newer states of the northwest, states which have established their law colleges long since Transylvania University has passed away. Transylvania University! how many memories that name calls forth! The first educational institution founded in the great Mississippi valley, the mother of many other schools and the training ground of so many statesmen, eminent lawyers, doctors and divines!

Transylvania University was founded in Lexington as early as 1783. The first college west of the Alleghanies, it was inaugurated under most favorable auspices and upon a broad plan for its future growth and usefulness; but it fell a victim to religious contention for the mastery of its several departments and lives now but as a memory of departed grandeur. For nearly seventy years it served the purpose of its founders, and on its rolls appear the names, as trustees, professors and students, the most celebrated of the residents of the state. Its law school was the Mecca of all the aspiring youth of the west who thought to enter the legal profession, and within its halls were graduated many of the most famous lawyers of the state and country.

It first authorized existence as a "university" was in 1798, when by act of the general assembly, approved December 22, 1798, the union of Transylvania Seminary and Kentucky Academy was provided for by law and the joint institutions took the name of "Transylvania University." The seat of the institution was fixed at Lexington. The first organization of the law college was perfected by the appointment of George Nicholas as professor of law and politics. In August following, Professor Nicholas having died, the office was filled successively by John Breckinridge, John Boyle, John Buckner Thruston, James Brown and James Hughes, who were from time to time in charge of the students of law and politics. On the 18th of October, 1799, James Brown was elected professor of law; October 10, 1805, Henry Clay was made professor of law and politics to succeed James Brown, who had resigned. He was succeeded by Joseph Cabell Breckinridge, and he by John Pope, who resigned in 1816. William T. Barry also taught in the institution prior to this time, and at a later period the following held the chair of law: Jesse Bledsoe, John Boyle, Daniel L. Mayes and Charles

Humphreys. The institution reached the acme of its fame and usefulness under the masterly management of Dr. Horace Holley, who became president in October, 1817, and remained at its head until March, 1827, when he resigned.

There was a return of prosperity in 1842, continuing until 1848, under the presidency of Rev. Henry B. Bascom, D. D. About 1840 the law department was in charge of three professors, Judges George Robertson, Thomas A. Marshall and Aaron K. Woolley. From 1855 to 1865 the law department was in charge of Judge Robertson, George B. Kinkead, Francis K. Hunt, W. C. Goodloe, R. A. Buckner, Jr., and John B. Huston. By act of the legislature, approved December 28, 1865, the agriculture and mechanical college, Kentucky University, and Transylvania University were consolidated, and Transylvania University ceased to exist.

The law department of the new institution, Kentucky University, was re-opened after an interval, in 1868, and flourished under the administration of M. C. Johnson, who was assisted by J. O. Harrison, J. R. Morton, G. W. Darnall, W. C. P. Breckinridge, J. Soule Smith and John T. Shelby; but about 1879 the attendance had so diminished that it lost its identity and has since practically ceased to exist.

The growing importance of Louisville and the dissension that had weakened Transylvania led to the establishment, in 1846, of the University of Louisville, by act of the general assembly, February 7, 1846. The academic department contemplated by the founders of the university has never been established, but the plans made, May 18, 1846, for the schools of law and medicine were thoroughly well considered and so strongly laid that both of these departments have since that date been in active and successful operation. The original faculty of the law school consisted of Henry Pirtle, professor of constitutional law, equity and equity pleadings and commercial law; Garnett Duncan, professor of the science of law, its history, and the law of nations; and Preston S. Loughborough, professor of the practice of law, including actions, pleadings, evidence and criminal law. The school has continued under three professors ever since, with a division of labor along similar lines.

The list of the faculty from the organization of the school to the present time comprises twenty-one names, the average occupancy of a chair being about seven years. The university, in over fifty years of its active usefulness, has graduated a large number of students who have gone out into the world of active work, and many of them to achieve fame. The names and periods of the professors of this institution from its foundation are as follows:

Henry Pirtle, 1846 to 1873.
Garnett Duncan, 1846 to 1847.
Preston S. Loughborough, 1846 to 1852.
Ephraim M. Ewing, 1847 to 1849.
James Pryor, 1852 to 1856.
James Speed, 1856 to 1858 and 1873 to 1879.
John Preston, 1858 to 1859.
Horatio F. Simrall, 1859 to 1862.
Peter B. Muir, 1862 to 1868.
Henry J. Stites, 1868 to 1872.
William F. Bullock, 1849 to 1871.
Bland Ballard, 1871 to 1873.
Thomas E. Bramlette, 1872 to 1873.
James S. Pirtle, 1873 to 1881.
Horatio W. Bruce, 1873 to 1880.
William Chenault, 1879 to 1886.
Henry C. Pindell, 1880 to 1881.
Rozel Weissinger, 1884 to 1890.

Emmet Field, 1884.

W. O. Harris, 1886.

Charles B. Seymour, 1891.

Emmet Field, W. O. Harris and Charles B. Seymour, in 1897, constitute the faculty in charge.

The latest established institution for legal education in the state is the law department of Center College, Danville, opened in connection with that ancient and well-founded institution in 1894, with a faculty comprising Hon. J. Proctor Knott, LL. D., dean; Robert P. Jacobs, LL. D., and John W. Yerkes, A. M., LL. B., who are in charge of the college of law in 1897. The school is well supplied with every facility for study and good work, an ample library and additional rooms being provided. The school has a promising outlook for the future and has been well attended.

In the early days of the state the office of every prominent attorney was the study hall of two or more students. Before the establishment of the law department of Transylvania University, George Nicholas, at Lexington, conducted such a school, and later Judge T. B. Monroe, of Frankfort, and Judge John Boyle, of Danville, maintained regular law schools with from eight to ten pupils each. Both of these eminent and learned men were diligent teachers of their profession as well as eminent practitioners and judges.

There was also an attempt made to establish a law department in connection with Central University, at Richmond, but after a fitful existence of a year or two it ceased to be known.

Outside of the cities of Louisville, Lexington and Frankfort, there are no collections of law books properly designated as public law libraries, as distinguished from the private collections of individual practitioners or firms. The library at Lexington has for a long time formed an unused portion of the quasi-public library of general literature, and is not kept abreast of the times by any additions. It was at one time open to the students of Transylvania and later to Kentucky University, but with the expiration of activity in the law department of the latter institution its usefulness ceased. The library in Louisville, comfortably and conveniently housed in the court-house, is the growth of many years of careful and wise supervision upon the part of the active members of the bar and the professors of the Louisville Law School, whose students are admitted to its privileges upon equitable terms. It was founded in 1839 and has had a steady increase in volumes and membership, and now ranks well with the law libraries of America.

The state library at Frankfort is very complete in both text-books and state reports. It is maintained by state appropriations, is in the capitol building, convenient to the consultation and court rooms of the court of appeals and open to the bar of the court, and to the members of the general assembly.

The reports of the court of appeals decisions, constituting the "case law" of the state as formulated by the highest tribunal of the commonwealth, have been issued as follows:

Compiler.	Date.	No. of Volumes.
James Hughes	1785–1801	1
Achilles Sneed	1801–05	1
Martin D. Hardin	1805–08	1
George M. Bibb	1808–17	4
Alexander K. Marshall	1817–21	3
William Littell	1822–24	5
Thomas B. Monroe	1824–28	7
John J. Marshall	1829–32	7

Compiler.	Date.	No. of Volumes.
James Dana	1833-40	9
Ben. Monroe	1840-58	18
James P. Metcalfe	1859-63	4
Alvin Duvall	1863-66	2
W. P. D. Bush	1866-79	14
John Rodman	1879-85	5
Edward W. Hines	1885-97	15

William Littell also published a volume of selected cases, covering decisions made from 1795 to 1821. A number of digests of the decisions of the court of appeals have been prepared, as follows:

Compiler.	Date.	No. of Volumes.
Henry Pirtle	1832	2
Ben. Monroe and James Harlan	1853	2
W. W. Trimble	1876	1
Richard H. Stanton	1877	2
J. Barbour	1878	2
J. Barbour	1897	3

Digests of the statute laws of a public and permanent nature have from time to time been prepared under the authority of the general assembly by commissioners duly appointed, and whose work was subsequently adopted by the assembly. The earlier compilations of this character were:

Compiler.	Date.	No. of Volumes.
C. S. Morehead and Mason Brown, commissioners	1834	2
Preston S. Loughborough, containing a digest of laws from 1834 to 1842	1842	1
C. A. Wickliffe, Squire Turner and S. S. Nicholas (Several editions of this were issued.)	1852	..
R. H. Stanton	1860	2
R. H. Stanton, new edition	1867	.
Henry Myers	1866	..
Joshua F. Bullitt and John Feland	1881	2
Joshua F. Bullitt and John Feland, new edition	1887	2
J. Barbour and John D. Carroll	1894	..

Codes of practice in civil and criminal cases have been prepared by commissioners appointed for the purpose, as follows:

Compiler.	Date.	No. of Volumes.
M. C. Johnson, James Harlan and Preston S. Loughborough	1853	1
M. C. Johnson, James Harlan and J. W. Stevenson	1854	1
R. H. Stanton	1859	..
John D. Carroll	1888	..
John D. Carroll, new edition	1895	..

The Kentucky Law Reporter, a monthly magazine, made its first appearance in July, 1880, volume I covering a period from July, 1880, to January, 1881, and has been continued with success and with profit to the profession.

Of miscellaneous law books the state has not been a prolific field. One of the earliest writers was Harry Toulmin, who came to the Kentucky district, of Virginia, and settled at Lexington, where he taught in Transylvania Seminary, being elected president of that infant university in 1794. He was a man of great intelligence and culture, was secretary of state under Governor James Garrard in the second administration of the state government, and was later appointed to a federal judgeship in Mississippi territory. He issued The Magistrate's Assistant in 1801, The Public Acts of the General Assembly in 1802, A Review of the Criminal Law of Kentucky, in three volumes, in 1806, and The American Attorney's Pocket Book, in 1806. A treatise on pleading and practice under the civil code of Kentucky was issued by John E. Newman, A. M., in 1871.

Mr. Newman was born in 1819, in Spencer county, Kentucky, was a student under Martin McHenry at Taylorsville, and began practice in 1842. In 1862 he was elected circuit court judge for one term. In 1867 he removed to Louisville, where he was associated in the practice with John Marshall Harlan and Benjamin H. Bristow. He was a devoted champion of the Union cause dur-

ing the war and was noted for his determined zeal and unflinching adherence to what he believed to be right. He was married, in 1847, to Miss Marion Olin. His death occurred in Louisville, in 1873.

Lewis N. Dembitz has contributed three books to the profession: Kentucky Jurisprudence in 1890, Law Language in 1892, and A Treatise on Land Titles in the United States, 2 volumes, in 1895.

In the matter of bar associations Kentucky has been woefully deficient. It is a matter of regret with the profession that lack of interest has left this important factor for the elevation of the profession and for the advancement of the material interest of the law-making powers of the state, without the aid which a well organized and active association of the leading lawyers would give. An effort has been made on several occasions to organize and maintain such an association, but has met with failure. The last attempt made was in 1882, when there was organized a Kentucky Bar Association, composed of representative members of the bars of the different counties of the state. It had a membership of several hundred. Three annual meetings were held in Louisville, largely attended. The first president was Judge B. F. Buckner, of Louisville; the the second, Judge John W. Barr, of Louisville; the third, Curtis F. Burnam, of Richmond; and the fourth, Judge William Lindsay, of Frankfort.

One of the subjects under discussion by the association was the necessity for a new constitution, which finally led to the calling of the convention of 1890.

The printed reports of the meetings of this association contain a number of very able discussions on prominent questions of the time, such as the regulation of railroads by law, the doctrine of implied malice, pleading to an issue under the Code, the old and new court fight in Kentucky, the propriety of printing records for the court of appeals, codification of the law, etc. After the third annual meeting, however, the organization was not kept up. There was also a local bar association formed at Owensboro, which lasted for several years. A number of lawyers in Kentucky are members of the National Bar Association.

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OF

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THE

LAWYERS AND LAWMAKERS

OF

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